

For Court Use Only (Seal)

2011 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: _____ <input type="checkbox"/> Designated by court as domestic violence case based upon special finding (see #13 this section)			
2. K.S.A. Title, Section, Subsection(s): _____ <input type="checkbox"/> Attempt (formerly K.S.A. 21-3301) <input type="checkbox"/> Conspiracy (formerly K.S.A. 21-3302) <input type="checkbox"/> Solicitation (formerly K.S.A. 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. 2011 Supp. 21-6824 (formerly K.S.A. 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. 22-3426.

PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION.

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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. **SPECIAL FINDING** that the crime was SEXUALLY MOTIVATED pursuant to the KS Offender Registration Act
7a. Did the court make a special finding that the crime was sexually motivated? Yes No
7b. **IF YES to 7a**, did the court find that the act involved non-forcible sexual conduct, the victim was at least 14 and the offender was no more than 4 years older than the victim? (K.S.A. 2011 Supp. 22-4902(c)(15)) Yes No
7c. **IF YES to 7a and NO to 7b, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.**

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

9. Is offender being sentenced pursuant to K.S.A 2011 Supp. 21-6627 (formerly K.S.A. 21-4643) where offender is 18 years of age or older and the victim is less than 14 years of age?
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY. Yes No

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

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

12. Was offender convicted of a violation of the statutes formerly codified at K.S.A. 2011 Supp. 21-5703 (formerly 21-36a03), Manufacture or attempted manufacture, K.S.A. 2011 Supp. 21-5705(a)(1) (and all subsections of (a)(1)), (formerly 21-36a05(a)(1)), Cultivation, Distribution, Possession w/ intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), (f)(1), or K.S.A. 2011 Supp. 21-5709(a) (formerly 21-36a09(a), 21-5710(a)(1), (a)(2), (formerly 21-36a10(a)(1), (a)(2)). Possession of precursors w/ intent to manufacture?
IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.
(personal use exemption eliminated effective July 1, 2011) Yes No

13. Determination of domestic violence case designation
13a. Did offender, as determined by the trier of fact, commit a domestic violence offense? Yes No
13b. If **YES** to 13a above, did the court find that offender had no prior domestic violence conviction or diversion, AND that offender did not use the present domestic violence offense to coerce, control or punish the victim? Yes No
13c. If **YES** to 13a and **NO** to 13b, **PLEASE CHECK THE DOMESTIC VIOLENCE CASE DESIGNATION BOX.** DV Case

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 Trtmt Prog. (min. 120 days)
 Enhancement Sentence- Drug with Firearm: 6 months 18 months [formerly K.S.A. 21-4705(g)]
Ballistic Resistant Material: 30 months [formerly K.S.A. 21-4704(s)]
 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. 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. (w/12 mo. supervision) 4th & Subs. D.U.I. (w/12 mo. supervision) 3rd & Subs. Domestic Battery w/in 5 yrs. Animal Cruelty
 Probation granted after serving term of _____ months days
 Assignment to a work release program (formerly K.S.A. 21-4603d (a)(11))

**This option is included in statute, but is unavailable.

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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. 2011 Supp. 21-6824 (Formerly K.S.A. 21-4729) Other: _____
 Extended Period K.S.A. 2011 Supp. 21-6608 (formerly K.S.A. 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: _____

SECTION IV. DEPARTURE INFORMATION

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. 2011 Supp. 22-3717(d)(1)(D)(i)
[“Sexually motivated” defined in K.S.A. 2011 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.)	\$ _____	Correctional Supervision Fee (Felony \$120; Misd. \$60)	\$ _____
Court Costs (including surcharge)	\$ _____	BIDS Attorney Fee	\$ _____
Total Fines (*See Below)	\$ _____	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 (offenses before 7/1/11)	\$ _____	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: _____	\$ _____
Domestic Violence Assessment/Recommendations	\$ _____	TOTAL COSTS	\$ _____

* Includes fine for DUI offense committed on or after 7/1/11. Clerk will send \$250 to the state treasurer.

3. **Restitution to be paid as follows:**

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

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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. Formerly K.S.A. 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. 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. 2011 Supp. 21-6824 (formerly K.S.A. 21-4729).
 Extended Period K.S.A. 2011 Supp. 21-6608 (formerly K.S.A. 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:** _____

IF cases are "CONSOLIDATED", list grand total of ALL jail credits actually _____

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(c). (Required by case law)
- Defendant informed of potential rights of expungement K.S.A. 2011 Supp. 21-6614 (formerly K.S.A. 21-4619(g)).
- Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act, K.S.A. 2011 Supp. 22-4905(b)(2) (**Please complete OFFENDER REGISTRATION SUPPLEMENT and attach it to the Journal Entry.**)
- 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. 22-3717(d)(1)(D)(iv).
- Defendant has been processed, fingerprinted and palmprinted. K.S.A. 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).
- Defendant to undergo domestic violence assessment pursuant to Section 7 of Chapter 101 of the 2010 Session Laws of Kansas.
- Other Comments: _____

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SECTION VI. RECAP OF SENTENCE CONTINUED

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7. **Border Box Findings** K.S.A. 2011 Supp 21-6804 (formerly K.S.A. 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: _____