

# INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT

## JOURNAL ENTRY OF JUDGMENT

The KSGA Journal Entry of Judgment must be on a form approved by the Kansas Sentencing Commission. K.S.A. 2011 Supp. 22-3426(d). This form must be used for all felony convictions for crimes committed on or after July 1, 1993. In addition, the court must forward a copy of the Journal Entry of Judgment, attached together with the Presentence Investigation Report including the Criminal History Worksheet to the Kansas Sentencing Commission within 30 days of sentencing. K.S.A. 2011 Supp. 22-3439(a).

### COURT SEAL

Place the seal of the court in the 2" x 3" box in the upper left corner of the page.

### SECTION I. CASE IDENTIFYING INFORMATION

#### 1. TRANSACTION NUMBER

The Transaction Number is the number located at the top of the Kansas Adult Disposition Report form (KDR), (KBI form CCH-4).

#### 2. STATE v.

Enter the offender's full name as it appears in the case caption and check the appropriate box indicating Male or Female.

#### 3. COURT O.R.I NUMBER

Enter the District Court O.R.I. (i.e., the Originating Agency Identification) number. This nine-digit number, in the form XX XXX XX X X, is assigned by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation, and serves to identify all agencies having access to the national communications system. Questions concerning an assigned O.R.I. number should be addressed to the Central Repository located at the Kansas Bureau of Investigation, (785) 296-2454.

#### 4. K.B.I. NUMBER

The K.B.I. Number is the State Identification Number (SID) assigned to an individual by the Kansas Bureau of Investigation Central Repository upon the individual's first entry into the state criminal history record system. The basis for this number is the number contained on the individual's initial arrest fingerprint card. All subsequent records concerning such individual will be assigned this same number (i.e., it is the identification number listed on an Abstract of Record received from the Central Repository).

#### 5. COUNTY

Enter the name of the county in which the present case was filed.

## **6. COURT CASE NUMBER**

Enter the official district court Case Number in the present case. The case number should also be added at the **top of each** additional page where indicated.

Consolidation: If multiple cases were officially consolidated by the district court, only the Case Number that the other cases were consolidated into should appear on the Journal Entry of Judgment form. A separate Journal Entry of Judgment form must be used for each separate Case Number, and consolidated cases, even if the separate cases were sentenced on the same day in the same sentencing court. Orders of consolidation should be completed in both cases. PSI's should be prepared for both cases wherein the primary offense is indicated by Case and Count Number, as well as subsequent counts. Criminal history will generally not be scored against the other case(s) if the consolidation is ordered prior to sentencing. Journal Entries of Judgment should be prepared for each case at the time of sentencing as follows:

Section I. 6. Court Case number "12CRxxx" consolidated with "12CRxxx". Please indicate the primary case.

Section III. 1. Name of Primary Offense of Conviction: "Count 1 in 12CRxxx" etc. for each subsequent count, including misdemeanors if they are consolidated with the primary case.

## **7. SENTENCING JUDGE**

Enter the name of the district judge who presided over the sentencing proceeding in the present case.

## **8. SENTENCING DATE**

Enter the date that the sentencing court pronounced sentence in the present case.

## **9. TYPE OF DEFENSE COUNSEL**

Check the applicable box. Please print the name of Counsel retained or assigned by the Court if applicable.

## **10. TYPE OF PROCEEDING (TRIAL)**

Check the applicable box.

## **11. DATE OF CONVICTION**

Enter the date that the offender was found guilty at trial, or following a plea of guilty or nolo contendere, or any other plea that results in a finding of guilt.

## **12. PRE-TRIAL STATUS OF OFFENDER**

Check the applicable box.

## SECTION II. CRIMINAL HISTORY CLASSIFICATION

### 1. OFFENDER'S OVERALL CRIMINAL HISTORY CLASSIFICATION AS FOUND BY THE COURT

Check the applicable box indicating the criminal history classification as it was determined by the district court at sentencing.

### 2. OBJECTION TO CRIMINAL HISTORY

Check "Yes" or "No" depending on whether either party objected to the criminal history classification as stated in the Presentence Investigation Report (PSI). If yes, then check whether the objection was made by the defendant or the State. If both parties objected, check both boxes.

#### **Court's Ruling on Objection**

Indicate the Court's ruling on the objection by checking whether the criminal history classification was, or was not, amended by the sentencing court.

## SECTION III. CURRENT CONVICTION INFORMATION

### 1. NAME OF PRIMARY OFFENSE OF CONVICTION

Enter the descriptive name of the PRIMARY Offense (i.e., Attempted First Degree Murder, Possession of Cocaine, etc.). The PRIMARY Offense is the most serious offense of conviction. In this same box, enter the Count Number of the PRIMARY Offense and the date the offense was committed.

#### CHECK THE DOMESTIC VIOLENCE CASE DESIGNATION ONLY IF:

- The trier of fact determined that the offender committed a domestic violence offense;
- The court found that the offender had prior domestic violence conviction(s) or diversion(s); and
- The offender used the present domestic violence offense to coerce, control or punish the victim. See #13 this section and K.S.A. 2011 Supp. 22-4616.

### 2. K.S.A., TITLE, SECTION, SUBSECTION(S)

Enter the offense of conviction by the proper K.S.A. number including **all** applicable subsections [i.e., a severity level 4, aggravated battery would be K.S.A. 2011 Supp. 21-5413(b)(1)(A)]. Also, if applicable, check the appropriate box indicating whether the offense involved an attempt, a conspiracy, or a solicitation.

### 3. GRADE OF OFFENSE

Check the appropriate box indicating whether the offense is a felony or a misdemeanor and insert the appropriate severity level of the felony or class rank of the misdemeanor. Check the appropriate box indicating whether the offense is a person or a nonperson offense. Criminal listings are located in Appendix B and C of this manual.

#### 4. OFFENSE CATEGORY

Check the appropriate box indicating whether the offense is on the nondrug or the drug grid, or if it is an off-grid or a nongrid offense. Nongrid offenses only include felony DUI, felony Domestic Battery and felony Cruelty to Animals.

#### 5. PRESUMPTIVE SENTENCING RANGE

The Presumptive Sentencing Range for the offense is represented by the three numbers in the KSGA drug/nondrug sentencing grid box corresponding to the severity level and the criminal history classification of the offense. Enter the grid numbers representing the “Aggravated,” “Standard” and “Mitigated” sentencing range within the grid box. The “Aggravated” number is the highest number in the grid box. The “Standard” number is the middle number in the grid box. The “Mitigated” number is the lowest number in the grid box. **These numbers are entered as they are read, from left to right in the grid box.**

Check the appropriate box indicating whether the grid box for the offense is designated as a Presumptive Prison, Presumptive Probation, Border Box classification, or Mandatory Drug Treatment (K.S.A. 2011 Supp. 21-6824, Senate Bill 123 nonprison sanction). If a special rule applies, check the special rule box, complete the Special Rules Supplemental page, and attach it to the Journal Entry of Judgment.

In multiple conviction cases, the primary offense is generally the crime with the highest severity ranking. However, when an off-grid crime is part of a multiple count case, please use the primary on-grid crime for determining the base guideline sentence, using full criminal history. For the “base” crime (i.e., the offense with the highest severity level under the sentencing guidelines), the offender’s full criminal history is to be applied to determine the presumptive range for that crime. However, the criminal history category “I” must be used to determine the presumptive range of sentencing for each nonbase crime, regardless of whether sentencing is concurrent or consecutive. K.S.A. 2011 Supp. 21-6819(a)(2).

For nondrug and drug offenses with simultaneous presumptive imprisonment and presumptive probation sentences, the base crime is the presumptive imprisonment crime. For nondrug and drug offenses that have the same presumption, the base crime is the crime with the longest term within the grid box range.

K.S.A. 2011 Supp. 21-6824 (Senate Bill 123), passed during the 2003 Legislative Session, established mandatory drug treatment for a designated target population of offenders convicted of violating K.S.A. 2011 Supp. 21-5706. **NOTE:** offenders convicted of attempted possession are not eligible for SB 123. *State v. Perry-Coutcher*, 45 Kan. App. 2d 911, 254 P.3d 556 (2011).

#### CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

#### 6. SPECIAL RULE APPLICABLE TO SENTENCE, IF ANY

Check the appropriate box indicating whether a special rule is applicable to the offense. If so, enter the number of the special rule and a brief description of the applicable rule here, (both of which can be found on the Special Rules Supplemental Page), then complete the Special

Rules Supplemental Page and attach it to the Journal Entry. The numbers for the special rules are intentionally non-sequential for data coding purposes. **Please do not renumber them.** The numbers 7, 14 and 18 were assigned to rules that are no longer in use and they will not be reassigned.

In cases where an “Extended Jurisdiction Juvenile” sentence has been imposed by the court pursuant to K.S.A. 2011 Supp. 38-2347 and K.S.A. 2011 Supp. 38-2364, a felony Journal Entry of Judgment form is to be submitted to the Kansas Sentencing Commission and the box for Special Rule 11, “Extended Jurisdiction Juvenile Imposed”, should be checked on the Special Rules Supplemental Page.

#### **7. SEXUALLY MOTIVATED OFFENSE**

Check whether the sentencing court determined, by a “*special finding*” (i.e. Aggravated Battery), that the crime was “Sexually Motivated” as defined by the Kansas Offender Registration Act. If yes, complete the Offender Registration Supplement and attach it to the Journal Entry. (Any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated.) As used in this subparagraph, “sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification. K.S.A. 2011 Supp. 22-4902.

#### **8. AGGRAVATED HABITUAL SEX OFFENDER**

Check whether the sentencing court determined that the offender is an Aggravated Habitual Sex Offender as defined by K.S.A. 2011 Supp. 21-6626. If yes, complete the Sex Crime Supplement and attach it to the Journal Entry of Judgment. K.S.A. 2011 Supp. 21-6626 provides in pertinent part that “Aggravated habitual sex offender” means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, and (B) prior to the conviction of the felony under subparagraph (A), has been convicted of two or more sexually violent crimes.

#### **9. CHILD SEX OFFENSES**

Check whether the offender is being sentenced pursuant to K.S.A. 2011 Supp. 21-6627 wherein the current crime is a sex offense where the offender is 18 years of age or older and the victim is less than 14 years of age. If yes, complete the Sex Offender Supplement and attach it to the Journal Entry of Judgment.

#### **10. DOWNWARD DEPARTURE FOR A CRIME OF EXTREME SEXUAL VIOLENCE**

Check whether the sentencing court has imposed a downward departure from the sentencing guidelines as provided in K.S.A. 2011 Supp. 21-6818(a) for a crime of extreme sexual violence defined in K.S.A. 2011 Supp. 21-6815. If yes, complete the Sex Offense Supplement and attach it to the Journal Entry of Judgment.

#### **11. CRIME COMMITTED WITH A DEADLY WEAPON**

Check whether the sentencing court made a finding that the current crime was committed with a deadly weapon. If yes, complete the Offender Registration Supplement and attach it to the Journal Entry of Judgment. K.S.A. 2011 Supp. 22-4902(e)(2).

## 12. DRUG CONVICTIONS

Check whether the offender was convicted for a violation of K.S.A. 2011 Supp. 21-5703, manufacture or attempted manufacture; K.S.A. 2011 Supp. 21-5705(a)(1) (and all subsections of (a)(1)), Cultivation, Distribution, Possession w/intent to distribute opiates, narcotics and certain stimulants; K.S.A. 2011 Supp. 21-5709(a), possession of precursors with intent to manufacture; or an attempt, conspiracy or solicitation of these offenses. If yes, complete the Offender Registration Supplement and attach it to the Journal Entry.

**NOTE: For convictions under K.S.A. 2011 Supp. 21-5705(a)(1) (and all subsections of (a)(1)) registration IS REQUIRED only if the substance(s) involved were opiates, opium, narcotic drugs and the like as defined by K.S.A. 2011 Supp. 21-5701(l) (formerly K.S.A. 21-36a01(l)), amphetamine, methamphetamine and precursors to amphetamine and methamphetamine.**

**NOTE: A conviction for cultivation, distribution or possession with intent to distribute marijuana, depressants, and hallucinogens (K.S.A. 2011 Supp 21-5705(a)(2) (and all subsections of (a)(2)), DOES NOT REQUIRE registration unless otherwise ordered by the court per K.S.A. 2011 Supp. 22-4902(a)(5).**

**NOTE:** Prior versions of the Journal Entry of Judgment form included a section for recording a special finding that manufacturing or attempted manufacture of a controlled substance was for the offender's **personal use** or, that the possession of a precursor was intended to be used to manufacture a controlled substance for the offender's **personal use**. This language was deleted from the Kansas Offender Registration Act effective July 1, 2011, so this special finding is no longer available.

## 13. DOMESTIC VIOLENCE CASE DESIGNATION – K.S.A. 2011 Supp. 22-4616

Check whether the trier of fact found that the defendant committed a domestic violence offense as defined in K.S.A. 2011 Supp. 21-5111(j). If yes, determine whether the court found that the offender **did not** have any previous domestic violence convictions or diversions and that the current offense **was not** committed to coerce, control, punish, intimidate or take revenge on the victim. If the court did not find both of these exceptions, check “No” on #13b and then check the Domestic Violence Case box (DV Case). If you check the DV Case box in this section, also check the domestic violence designation box on the first page of the Journal Entry in Section III, No. 1. See K.S.A. 2011 Supp. 22-4616.

### SENTENCE IMPOSED

#### 1. GUIDELINE RANGE IMPOSED

Check the appropriate box indicating whether the sentence pronounced by the sentencing court for the offense is the “Aggravated,” “Standard,” or the “Mitigated” number within the grid box, or whether the sentence is a “DEPARTURE” from the presumptive range. If the sentence imposed constitutes a departure sentence check the departure box **ONLY** and complete Section IV Departure Information of the Journal Entry.

## 2. PRISON TERM

Enter the number of months of imprisonment pronounced and check the appropriate box indicating whether the prison sentence is imposed **OR** whether it is a prison term underlying a probation sentence. [***PLEASE DO NOT LEAVE IT BLANK.***] \*Underlying with KDOC Drug Treatment Program (min. 120 days), while authorized by statute, has never been funded and is not, therefore, an available option. Indicate crimes with an Enhancement Sentence - Drug w/ Firearm by checking the appropriate box. K.S.A. 2011 Supp. 21-6805(g).

Sentence enhancements for a firearms finding with a drug felony conviction were enacted in 2009, adding 6 months imprisonment for firearm possession (Special Rule 32) and 18 months imprisonment for firearm discharge (Special Rule 33). The sentence is presumptive imprisonment. An enhancement was enacted in 2010 for a finding that a ballistic resistant material was worn or used during the commission of, attempt to commit, or flight from a felony (Special Rule 36). The sentence shall be presumptive prison and served consecutively to any other sentence imposed. **Please be sure to mark applicable special rules on the Special Rules Supplemental Page, as well.**

If the sentence is Life Imprisonment for an off-grid crime, check the appropriate box. If the Life Imprisonment sentence includes a mandatory minimum term before parole eligibility, check the appropriate box including Life 15, Life 20, Hard 25, Hard 40, Hard 50, or Life without parole. If a sentence of death has been imposed, check the Death Penalty box.

For crimes committed on or after July 1, 2006, the mandatory minimum of a Hard 50 will not apply if the court finds that the defendant is subject to a guidelines sentence of greater than 600 months due to the defendant's criminal history classification. Therefore, for crimes committed on or after July 1, 2006, which have a Hard 50 sentence, check the box that indicates a sentence of "mandatory minimum=50 years or \_\_\_\_\_months pursuant to guidelines, given offender's criminal history." Then, calculate the potential guidelines sentence and enter the standard months in the blank provided. The offender's mandatory minimum will either be 600 months or the guidelines sentence, whichever is greater. K.S.A. 2011 Supp. 21-6623.

## 3. POSTRELEASE SUPERVISION TERM

If prison term is given, postrelease or parole period must be given. Check the appropriate box indicating the term of postrelease supervision or parole imposed for the offense. K.S.A. 2011 Supp. 22-3717(d)(1)(A), (B), (C). If no postrelease is given, indicate by checking the NO postrelease box. If a 60-month term of postrelease supervision has been imposed, this constitutes a departure, and Section IV of the Journal Entry must be completed.

For convictions of certain child sex offenses wherein the offender was 18 years of age or older and the victim was less than 14 years of age (Jessica's Law offenses), upon release from a mandatory minimum imprisonment term by the Prison Review Board, the offender will be subject to lifetime parole and lifetime electronic monitoring. K.S.A. 2011 Supp. 22-3717(u). For convictions of other sexually violent crimes, as defined in K.S.A. 2011 Supp. 22-3717(d)(1)(G), upon release from prison, the offender shall be subject to lifetime postrelease supervision. Please also check the appropriate box in Section VI, Recap of Sentence. A

downward departure to a guidelines sentence results in a lifetime postrelease supervision term. *State v. Ballard*, 289 Kan. 1000, 218 P.3d 432 (2009).

#### 4. ELECTRONIC MONITORING

In addition to other dispositions, any defendant sentenced to prison pursuant to K.S.A. 21-4643 or K.S.A. 2011 Supp. 21-6627, for crimes committed on or after July 1, 2006, the court is required to order lifetime electronic monitoring upon release from prison with reimbursement to the state for the costs of monitoring by the defendant. K.S.A. 2012 Supp. 2106604(r).

#### 5. NONGRID TERM (JAIL)

For misdemeanors or nongrid felonies such as DUI, Domestic Violence, or Animal Cruelty, where a county jail sentence is involved, enter the term and check whether it is in months or days. Then check whether the county jail term is imposed or whether it is a term underlying a probation sentence. Check whether the county jail time is for 3<sup>rd</sup> or 4<sup>th</sup> and subsequent DUI, 2<sup>nd</sup> or 3<sup>rd</sup> and subsequent Test Refusal, 3<sup>rd</sup> or Subsequent Domestic Battery, or Animal Cruelty. If probation is to be granted after a specific jail term, check the appropriate option: “Probation granted after serving term of” and indicate the specific jail time. Then complete #6, on “Probation Term (If Granted).” If assigned to work release pursuant to K.S.A. 2011 Supp. 21-6604(a)(11), check the last option.

For a 3<sup>rd</sup> or subsequent conviction of DUI, check the appropriate box, in #5 (Nongrid Term) above, indicating that the term of supervision is 12 months. For a third or subsequent conviction of a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. K.S.A. 2011 Supp. 8-1567(b)(3).

#### CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

#### 6. PROBATION TERM (IF GRANTED)

If the sentencing court grants probation, check the appropriate box indicating the length of probation. If the sentence is to Mandatory Drug Treatment under K.S.A. 2011 Supp. 21-6824 (SB 123), check this box. In addition to checking the SB 123 box, also enter the number of months of probation actually imposed by the court pursuant to K.S.A. 2011 Supp. 21-6608(c) or (c)(5).

**NOTE:** The period of drug treatment pursuant to K.S.A. 2011 Supp. 21-6824 is separate from statutory term of probation provided under K.S.A. 2011 Supp. 21-6608 for severity level 5 offenders. If the probation period has been extended, please indicate the term here. In all probation cases, enter the underlying sentence of imprisonment that the sentencing court pronounced for the individual offense in #2, “Prison Term”.

Check the appropriate box indicating whether the probation supervision is with Court Services, Community Corrections, or Unsupervised. If the sentencing court imposes county jail

time as a condition of probation, enter the number of days. *Please don't confuse this jail time with nongrid DUIs.*

**NOTE:** "Assigned to Correctional Conservation Camp" per K.S.A. 2011 Supp. 21-6604(g) while authorized by statute, is no longer funded and is, therefore, no longer an available option.

#### **SECTION IV. DEPARTURE INFORMATION**

##### **1. TYPE OF DEPARTURE**

Check each of the appropriate boxes indicating whether the departure was a Downward Durational, Upward Durational, Downward Dispositional, Upward Dispositional, or a postrelease Supervision (sex offense). Check as many boxes as apply.

##### **2. REASONS CITED AS A BASIS FOR DEPARTURE**

Enter the reasons upon which the sentencing court relied upon in departing from the presumptive sentence and/or in departing on the postrelease supervision for a sex offense.

#### **SECTION V. OTHER CONDITIONS**

##### **1. GENERAL/SPECIAL CONDITIONS OF PROBATION**

Attach the sentencing court's Order of Probation to the Journal Entry of Judgment form in any cases where the offender has been granted probation.

##### **2. COSTS ORDERED**

Enter the total amount of Restitution, probation fees, Court Costs, Fines, BIDS (Board of Indigent Defense Services), KBI Fees, SB 123 Offender Reimbursements, and other fees ordered by the sentencing court. If any additional fees are ordered and not listed here, enter these fees in the "Other" spaces provided.

##### **Waived Bids Attorney Fees:**

Pursuant K.S.A. 2011 Supp. 21-6604(i), the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services

reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less. Include the BIDS Attorney Fee ordered and check the box if the fee was waived.

On and after July 1, 2011, on DUI cases, the amount of \$250 from each fine imposed for violations of K.S.A. 2011 Supp. 8-2,144 and 8-1567 shall be remitted by the clerk of the district court to the state treasurer, in accordance with K.S.A. 75-4215, for deposit into the community corrections supervision fund. K.S.A. 2011 Supp 8-2,144(p) and 8-1567(r)(2). If the current offense is a DUI and fines are assessed, please check the box at the bottom of this section to ensure that the \$250 is remitted to the state treasurer as required.

On and after July 1, 2011, the range of mandatory DUI fines is as follows:

- 1<sup>st</sup> DUI: not less than \$750 nor more than \$1,000
- 2<sup>nd</sup> DUI: not less than \$1,250 nor more than \$1,750
- 3<sup>rd</sup> DUI: not less than \$1,750 nor more than \$2,500
- 4<sup>th</sup> or subsequent DUI: \$2,500

In 2012, the drug treatment criteria of SB 123 was modified so that it is possible for an offender to only receive a drug abuse assessment. In that instance, only a \$200 SB 123 Assessment Fee should be ordered. But if SB 123 treatment is ordered, the SB 123 Assessment Fee and the \$100 SB 123 Reimbursement should be ordered together for a total of \$300.

### 3. RESTITUTION

Enter the amount, name, and address of any party to whom restitution is to be paid.

### CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

## **SECTION VI. RECAP OF SENTENCE**

### 1. SENTENCE IMPOSED

The recap is the sum total of the number of prison months, or underlying prison months; including any consecutive and/or additional offenses imposed in the case. If the sentence is to prison (KDOC), enter the total prison term imposed. If a county jail term is imposed, enter the total jail term in the space provided. If probation is granted, enter either the term of imprisonment or jail term underlying the probation, whichever is applicable. In multiple count cases, if a prison term is imposed and a jail term is imposed but is to run consecutive to the prison term, check the box indicating such. For example, an offender has a case with 5 counts. The sentences for each count are as follows:

Count 1 = 12 mo. KDOC

Count 2 = 10 mo. KDOC consecutive to Ct. 1

Count 3 = 10 mo. KDOC concurrent to Cts. 1 & 2

Count 4 = 12 mo. County jail consecutive to Cts. 1, 2 & 3

Count 5 = 12 mo. County jail concurrent to Cts. 1, 2, 3 & 4

In the Recap you would enter:

Total Prison Term (if sentenced imposed is to prison): 22 mos  
Total County Jail Term: 12 mos X Consecutive to prison term  
Total Underlying Jail term (if sentence is imposed is probation):  
Total Underlying Prison Term (if sentence imposed is probation):

Please include additional comments or explanations as necessary.

## 2. **POSTRELEASE SUPERVISION TERM**

Enter the longest postrelease supervision period imposed for any of the offenses of conviction. If one of the offenses of conviction is an off-grid crime, the supervision term is based on the off-grid crime.

For a third or subsequent conviction of DUI, check the appropriate box indicating the term of supervision is 12 months. K.S.A. 2011 Supp. 8-1567(b)(3).

If the offender is convicted of a child sex offense wherein the offender was 18 years of age or older and the victim was less than 14 years of age, check the appropriate box indicating lifetime postrelease supervision. K.S.A. 2011 Supp. 22-3717(d)(1)(G) and (u).

## 3. **ELECTRONIC MONITORING**

In addition to other dispositions, any defendant sentenced to prison pursuant to K.S.A. 21-4643 or K.S.A. 2011 Supp. 21-6627, for crimes committed on or after July 1, 2006, the court is required to order lifetime electronic monitoring upon release from prison with reimbursement to the state for the costs of monitoring by the defendant. K.S.A. 2012 Supp. 2106604(r).

## 4. **PROBATION PERIOD**

In probation cases, restate the probation term imposed by the sentencing court by checking the appropriate box indicating the months. If the offender is assigned to Mandatory Drug Treatment, check the appropriate box. Enter the term of months imposed for Extended probation pursuant to K.S.A. 2011 Supp. 21-6608(c) or (c)(5).

## 5. **JAIL CREDIT**

The “sentence begins date” is the date of sentencing less the number of days of jail credit actually granted by the sentencing court. This section must be completed to prevent complications for the court, the Kansas Department of Corrections, and others. **Failure to complete this may result in the need for an Amended Journal Entry of Judgment to be prepared.**

Enter the location code to indicate the type of location where the offender may have earned jail credit and then enter the date range and corresponding number of days for which jail credit may potentially be awarded. Do this for each separate period of time for which the offender may be awarded jail credit. For each date range check whether jail credit was “A,” actually awarded by the court, or “N,” not awarded by the court. If these are not clearly marked it cannot be entered. Listing the amount of days only is not acceptable.

Enter the sentencing date and subtract the “Total Number of Days of Jail Credit Actually Awarded” as determined by the sentencing court, to determine the sentence begins date.

**For consolidated cases, please enter the GRAND total days of jail credit awarded for ALL cases.**

**CONSOLIDATION:** If multiple cases are consolidated by the court, all case numbers should be listed in Section I, #6, with the PRIMARY case indicated. A separate Journal Entry of Judgment form (JE) must be used for each separate Case Number that is consolidated with the primary case. All cases should have their own JE, including misdemeanor cases, with felony PSI’s and Criminal History included with felony offenses. All counts other than the primary offense in the primary case will use Criminal History I. A JE should be prepared for each case at the time of sentencing as follows:

Section I. 6. Court Case Number “12crxxx” consolidated with “12crxxx”. Please indicate primary case.

Section III. 1. Name of Primary Offense of conviction: “Court 1 in 12crxxx” etc. for each subsequent count including misdemeanors if they are consolidated with the primary.

**NOTE:** The **RECAP** page on **each case** should reflect the grand total of **ALL** prison terms/underlying prison terms/jail terms for **ALL** cases consolidated. These pages should be **identical** in the amount of prison/underlying prison/jail time ordered.

**NOTE:** The **PRIMARY** case should reflect **ALL** combined jail credit totals from **ALL** consolidated cases for a **grand total** of **ALL** jail credit actually awarded.

**6. PRIOR CASES TO WHICH THE CURRENT SENTENCE IS TO RUN CONCURRENT OR CONSECUTIVE**

Enter the Case Number, the County of Conviction, and the Sentence Length of each prior case to which the sentencing court has ordered the sentence in the current case to run either concurrent or consecutive, and then also enter whether the prior case is concurrent or consecutive to the sentence in the current case.

**7. MISCELLANEOUS PROVISIONS**

Use this space as necessary to record any additional orders/findings of the sentencing court that are not covered by other sections in the Journal Entry of Judgment, but for which the court desires to be stated in the Journal Entry.

**CASE NO. (Top of all pages)**

Please indicate the case number for this Journal Entry.

**8. BORDER BOX FINDINGS**

If the current crime falls in a border box on either grid, and the court grants a nonprison sentence, check the boxes indicating the sentencing court’s findings, if appropriate.

**9. MOTION FOR A NEW TRIAL**

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender’s motion for a new trial, either prior to or at sentencing. If no such motion is made, leave this section blank.

**10. MOTION FOR JUDGMENT OF ACQUITTAL**

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender’s motion for judgment of acquittal, either prior to or at sentencing. If no such motion is made, leave this section blank.

**11. MOTION FOR ARREST OF JUDGMENT**

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender’s motion for arrest of judgment, either prior to or at sentencing. If no such motion, leave this section blank.

**12. ADDITIONAL COMMENTS**

Enter any additional orders/findings of the court that are not covered by other sections in the Journal Entry of Judgment, but for which the court desires to be sated in the Journal Entry or any other necessary comments.

**SECTION VII. SIGNATURES**

**1. JUDGE’S SIGNATURE**

Provide **signature** or stamp of the Sentencing Judge as well as printed name.

The **date** is the date the journal entry was signed or stamped by the judge.

**2. PROSECUTING ATTORNEY**

Enter the signed and printed name of the prosecuting attorney, Supreme Court number of the prosecuting attorney, date the journal entry was signed by the prosecuting attorney and the prosecuting attorney’s address and phone number.

**3. DEFENSE ATTORNEY**

Enter the signed and printed name of the defense attorney, Supreme Court number of the defense attorney, date the journal entry was signed by the defense attorney and the defense attorney’s address and phone number.

**SUPPLEMENTAL PAGES**  
**(To be completed only when applicable)**

**KSGA JOURNAL ENTRY OF JUDGMENT FOR ADDITIONAL OFFENSES**

**CASE NO. (Top of all pages)**

Please indicate the case number for this Journal Entry.

## COUNT

Please indicate the count for additional offenses on the top of each page.

### 1. NAME OF ADDITIONAL OFFENSE OF CONVICTION

Please also indicate which count this is, as well as the date of this offense.

The instructions for completion of the supplemental pages for additional offenses of conviction are identical to that of the Journal Entry of Judgment with the exception that the supplemental pages require indication of whether the sentence for each additional crime is to be served concurrent or consecutive to the others. The instructions for that particular question are as follows:

### 2. SENTENCES CONCURRENT OR CONSECUTIVE

Check the appropriate box indicating whether the sentencing court ordered the offenses to run either concurrent or consecutive to any other offense, and enter the Count number in which the other offense that the sentence was ordered to either run concurrent or consecutive to. Pursuant to K.S.A. 2012 Supp. 21-6819(b)(1), the sentencing judge shall have the discretion to impose a consecutive term of prison other than the primary crime of any term of months not to exceed the nonbase sentence. Enter the number of months for the consecutive nonbase count.

## SPECIAL RULES SUPPLEMENT

### CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

If a special rule applies to the current case, check the box corresponding to the applicable special rule and attach this page to the Journal Entry of Judgment. (Note: The numbers for the special rules are intentionally non-sequential for data coding purposes. ***Please do not renumber them.*** The numbers 7, 14, and 18 were assigned to rules that are no longer in use and they will not be reassigned.)

In cases where an “Extended Jurisdiction Juvenile” sentence has been imposed by the court pursuant to K.S.A. 2012 Supp. 38-2347 and K.S.A. 2011 Supp. 38-2364, a felony Journal Entry of Judgment form is to be submitted to the Kansas Sentencing Commission and the box for the “Extended Jurisdiction Juvenile Imposed” (Special Rule 11), should be checked.

## SEX OFFENSE SUPPLEMENT

### **CASE NO. (Top of all pages)**

Please indicate the case number for this Journal Entry.

#### **1. Aggravated Habitual Sex Offender**

Check whether the sentencing court determined that the offender is an Aggravated Habitual Sex Offender as defined by K.S.A. 2011 Supp. 21-6626. If yes, check the box in Section A of the Sex Offense Supplement and attach it to the Journal Entry.

#### **2. Child Sex Offenses**

Check whether the offender is being sentenced pursuant to K.S.A. 2011 Supp. 21-6627 for a sex offense wherein the offender is 18 years of age or older and the victim is less than 14 years of age. If yes, complete Section B of the Sex Offense Supplement and attach it to the Journal Entry.

### **SECTION B. – Child Sex Offenses**

**First Offense** -- For the first sex offense by an offender 18 or older involving a victim less than 14, the court may choose to depart downward to a guidelines sentence rather than sentence to a mandatory minimum. If the court chose to depart downward, check the appropriate box indicating such and complete Section IV of the Journal Entry (Departure Information). An off-grid sex offense, in which a departure to the Sentencing Guidelines is granted, includes a lifetime postrelease supervision term as well. *State v. Ballard*, 289 Kan 1000, 218 P.3d 432 (2009).

If the sentencing court does not choose to depart downward, check the remaining box indicating that the sentence is a “mandatory minimum of Hard 25 years (300 months) or \_\_\_\_\_ months pursuant to the sentencing guidelines, given the offender’s criminal history.” [Determine the potential guidelines sentence for the offender’s criminal history, without regard to the offender’s age when the current crime was committed and enter the standard number of months from the appropriate guidelines grid box in the space provided. The offender’s sentence will be for either the Hard 25 years (300 months) or the guidelines sentence, whichever is greater.] Upon release by the Parole Board, the offender shall be placed on parole for life and shall not be discharged from supervision. K.S.A. 2011 Supp. 22-3717(u).

**Second Offense** – Check this box if the current crime is the offender’s second sex offense involving a victim less than 14 and the offender was 18 or older at the time the crime was committed. Calculate the potential guidelines sentence and insert the standard months into the blank provided. The sentence will be for the mandatory minimum of a Hard 40 years (480 months) or \_\_\_\_\_ months pursuant to the sentencing guidelines, whichever is greater. Upon release by the Prisoner Review Board, the offender shall be placed on parole for life and shall not be discharged from supervision. K.S.A. 2011 Supp. 22-3717(u).

### **SECTION C. - Downward Departure for a Crime of Extreme Sexual Violence**

Please check whether this duration departure is limited to 50% of the middle of the sentencing range.

### **SECTION D. - Sexually Violent Crime**

A conviction of a sexually violent crime includes a lifetime postrelease supervision term pursuant to K.S.A. 2011 Supp. 22-3717(d)(1)(G). An off-grid sex offense, in which a departure to the Sentencing Guidelines is granted, includes a lifetime postrelease supervision term, as well. *State v. Ballard*, 289 Kan 1000, 218 P. 3d 432 (2009).

### **OFFENDER REGISTRATION SUPPLEMENT**

#### **CASE NO. (Top of all pages)**

Please indicate the case number for this Journal Entry.

Check the appropriate boxes on these two pages indicating the **reason** the offender is required to register and the **length of time** pursuant to the Kansas Offender Registration Act, K.S.A. 2011 Supp. 22-4901 et seq. and attach the supplement to the Journal Entry of Judgment.

**NOTE: Effective July 1, 2011, the age of the victim must be documented in the Journal Entry.** Please enter this information at the top of page 1 of the Offender Registration Supplement.

### **REGISTRATION**

Registration is a very important issue. Requiring a defendant to register in error can cause some of the following problems and consequences:

- Registration is reflected on the defendant's driver's license;
- The defendant is required to report to the KBI and if the defendant fails to do so this can result in being charged with K.S.A. 22-4903(a)(c)(1) and Person Level 6 felony which can affect the defendant's criminal history;
- If registered in error, this causes unnecessary time spent by the different agency personnel. (It is a lengthy process to get the offender's name removed once registered.)

For a listing of offenses that require registration at this time, please refer to the statute listing of the Kansas Criminal Code. Offenses requiring registration are marked with an "**R**".

Distribution/selling of controlled substances: These drug offenses have identical statutes but different subsections, it is important to indicate the correct subsections. Selling cocaine, opiates, meth and the like (K.S.A. 2011 Supp. 21-5705(a)(1) and all subsections) **requires registration.**

**Please Note:** Selling marijuana, depressants, hallucinogens and the like **DOES NOT** require registration. K.S.A. 2011 Supp. 21-5705(a)(2), (a)(3), (a)(4), (a)(5), (a)(6) and all subsections.