

2014 JOURNAL ENTRY (JE)

This **highlighted** document is intended to explain the changes to the forms that will go into effect on July 1, 2014. These changes are due in part to the passage of new legislation which will go into effect on that date, while some changes are the result of feedback received from those who use the forms.

Please note that unless specified, the statutory (K.S.A.) references are intended to direct the user to the most current version of the statute. If a K.S.A. 2014 Supp. is referenced, this law is already in effect as of July 1, even though the statute itself has not yet been published.

- All references to “No Postrelease” as an option have been eliminated from the JE since this is no longer an option in statute for crimes committed on and after July 1, 2013.

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- The date has been changed (for all crimes *committed* on and after July 1, 2014)

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- Box #15 has been added to account for new legislation providing additional options for treatment of veterans with mental illness. This box allows the court check off each requisite to determine whether VA treatment is a sentencing option, and then whether the court chooses to include it in the sentence by checking the “VA Treatment” option. Please see [2014 Senate Substitute for HB 2655](#) for more information.

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- Box #2 Prison Term - This statutory reference is added due to 2014 House Bill 2490, sentencing for capital murder and murder in the first degree. Not much change is necessary on the forms themselves, since there are already boxes for Hard 25 and Life without Parole, which are the two outcomes of sentencing for these off-grid crimes under the bill. The only change in the bill that affects the forms is that when a Hard 25 sentence is given, if the defendant’s grid sentence exceeds 25 years (300 months), the mandatory minimum will be the length of the grid sentence. Hence the reference to K.S.A. 21-6620. See [HB 2490](#) for more information on sentencing implications for capital murder and murder in the first degree.
- New box #4 is for convictions of 3rd or 4th or subsequent DUI, or 2nd or 3rd or subsequent Test Refusal. Mark the box for the appropriate conviction and then write the length of the jail term imposed. Be sure to mark the appropriate box on the Special Rules Supplemental Page.
- New box #5 - Other Nongrid Felony (Jail) has been separated from DUI/Test Refusal. Mark the box for the appropriate conviction for other nongrid felonies, such as Domestic Violence and Animal Cruelty.

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- New box #3 labeled “DUI or Test Refusal Post-Imprisonment Supervision”. This new box is necessary to indicate in the Recap the term of Post-Imprisonment Supervision (PIS) for DUI or Test Refusal. It is a specific mechanism found exclusively in those statutes (K.S.A. 8-1567(b)(3) and 8-1025(b)(3)) and is separate from typical postrelease supervision. After the jail term, every offender is required to serve a mandatory 12-month period of PIS. Indicate whether this will be supervised by either Court Services or Community Corrections.

SPECIAL RULES SUPPLEMENT:

- #41 – Not new law, but a rule of criminal history calculation that elevates certain traffic misdemeanors to person felonies when the current crime of conviction is “Leaving the Scene of an Accident”.
- #42 – Not new law, but a rule of criminal history calculation that elevates previous DUI convictions and diversions to person felonies when the current crime of conviction is “Involuntary Manslaughter by DUI”.
- #43 – This is a new rule imposed by [2014 Substitute for House Bill 2442](#), which provides for presumptive prison and consecutive sentences for 3rd and subsequent “Flee and Elude” offenders.