



July 2012

Hon. Richard M. Smith, Vice Chair
Scott M. Schultz, Executive Director



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Commission Welcomes New Appointments

Kansas Supreme Court Chief Justice Lawton R. Nuss recently announced appointments to the Commission for the next two years. The Honorable Richard M. Smith, Honorable Patrick D. McAnany, and Chris A. Mechler were reappointed for another term.

The Honorable Evelyn Z. Wilson, Shawnee County District Court judge, has been also appointed as a member to fill the vacancy left by the Honorable Ernest L. Johnson. Judge Wilson was appointed to the bench in 2004. She practiced law for 19 years in private practice. A native of Smith County, she graduated *magna cum laude* from Bethany College and with honors from Washburn University School of Law. A published author, she has also taught at Washburn. The judge is a member of the Board of Directors of Bethany College and also a member of several law-related organizations including the American Judges Association, and the American, Kansas and Topeka Bar Associations.

New Five-Level Drug Grid Unveiled

Earlier this month, the Commission released its version of the new Kansas Sentencing Guidelines five-level drug grid. The new [grid](#) was expanded from four to five levels this past legislative session to accommodate new changes in the law effective July 1, 2012. Some of the notable changes are mentioned below.

First, most drug offenses will be determined by quantity. All possession offenses are now severity level five. Severity levels for possession with intent to distribute and distribution are dependent on quantity of the controlled substance. [Continue on page 6](#)

2012 Journal Entry, PSI, Probation Revocation Forms and the Sentencing Grids are available! [See page 4](#)

Have you ordered yours?



www.kansas.gov/ksc

2011 Kansas Sentencing Guidelines Desk Reference Manual (DRM)

This popular tool is available in a manual or CD. It is also on our [web site](#).

[Fill out this order form](#) and send your payment (including tax if applicable) with the form to us. Thank you.



2011 Annual Report

The Kansas Sentencing Commission Annual Report is statistically analyzing sentencing practice and policies under Kansas Sentencing Guidelines.

During FY 2011, the Commission received a total number of 14,003 felony sentences, indicating an increase of 1.4% over that of FY 2010. Of the total number of sentences, 4,958 (35.4%) were prison sentences, 8,270 (59.1%) were probation sentences and 775 (5.5%) were county jail sentences. Nondrug sentences represented 71.8% or 10,059 sentences and drug sentences accounted for 28.2% or 3,944 sentences.

[View the entire report](#)



FY 2012 KDOC Inmate Classification Projections

The custody classification projection addresses the types of beds that the state needs for the total number of beds projected in the baseline projection. This includes the number of maximum, medium high, medium low, minimum, special management and unclassified beds needed to accommodate the inmate population. [View the report](#)



2012 Prison Population Projection Report

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population. Thank you for your contribution. [View the report.](#)



Have a safe summer....



2003 Senate Bill 123
K.S.A. 2011 Supp. 21-6824
(formerly K.S.A. 21-4729)

Provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population on non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp 21-5706. (formerly K.S.A. 21-36a06)

GOAL: To provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

SB123 questions—

Please email Jennifer Dalton,
jenniferd@sentencing.ks.gov
 or call with any questions.

July Case Law Updates

- State v. Marshall* – July 27, 2012 – Shawnee – Affirmed, No. 101,641 (Jury Instructions)
- State v. Cameron* – July 27, 2012 – Shawnee – Affirmed, No. 103,093 (Constitutionality, Postrelease)
- State v. Mossman* – July 27, 2012 – Shawnee – Affirmed, No. 103,111 (Constitutionality, Postrelease)
- State v. Long* – July 27, 2012 – Sedgwick – Affirmed in part, dismissed in part, No. 104,594 (Restitution)
- State v. Collins* – July 20, 2012 – Sedgwick – Affirmed, No. 101,092 (Drugs)
- State v. Parks* – July 20, 2012 – Wyandotte – Affirmed, No. 101,905 (General Issues, Criminal History)
- State v. Wilson* – July 20, 2012 – Montgomery – Vacated and remanded with directions, No. 102,221 (Jessica’s Law)
- State v. Sims* – July 20, 2012 – Sedgwick – Affirmed, No. 105, 931 (Multiplicity)
- State v. Shaw* – July 20, 2012 – Franklin – Reversed and remanded with directions, No. 106,015 (DUI, Jury Instructions)
- State v. Woodard* – July 13, 2012 – Wyandotte – Affirmed, No. 105,132 (Constitutionality, Jessica’s Law)
- State v. Baptist* – July 13, 2012 – Johnson – Affirmed in part, vacated in part, remanded with directions, No. 105,146 (Jessica’s Law, General Issues)
- State v. Frecks* – July 13, 2012 – Wyandotte – Affirmed, No. 105,952 (Consecutive & Concurrent Sentencing)
- State v. Salinas* – July 13, 2012 – Reno – Affirmed, No. 105,988 (Jessica’s Law)
- State v. Mason* – July 6, 2012 – Shawnee – Affirmed, remanded with directions, No. 105,535 (Postrelease, Jessica’s Law)
- State v. Proctor* – July 6, 2012 – Saline – Vacated in part and remanded with directions, No. 104,697 (Postrelease)

Senate Bill 123 News

Treatment Providers: Please remember:

- Send All ASI’s to us (KSC).
- In addition to monthly invoicing, the KSC accepts weekly or bi-weekly invoices for faster processing.

Community Corrections:

- If you receive an ASI – please forward it to us (KSC).
- Our office gladly prefers invoices emailed to jenniferd@sentencing.ks.gov, or faxed to **785-296-0927** in care of Jennifer.

**A Friendly Reminder- SB 123 Offender
 Reimbursement- \$300**

As it is noted on the PSI, and the JE, (where costs are proposed and ordered)
Please try to collect at least \$300. Thank you for your efforts.





Kansas Sentencing Commission

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E-mail:

office@sentencing.ks.gov



Did you know...

You can E-mail your Journal Entry (JE), Probation Revocation, or PSI forms to us as an alternative to mailing them?

Just like everyone these days, we are always looking for ways to cut costs. Save paper and postage!

E-mail to: chrisc@sentencing.ks.gov

Journal Entry of Judgment (JE) and PSI News

[Click here](#) to view the

2012 Forms
(effective 7/1/2012)

- Journal Entry of Judgment (JE)
- Probation Revocation
- Presentence Investigation (PSI)
- Drug & Nondrug Sentencing Grids

Due to the many **NEW** changes made in the forms– there are **highlighted versions** to show what, where and how things changed.

**Offender Registration Requirement
K.S.A. 2011 Supp. 22-4902**

Under the new Act the court sentencing an offender subject to the Act must not only inform the offender of the registration requirements but also, when that offender is granted some form of probation, see that the initial registration forms are completed. To get forms - [click here](#)

Take a look!

Journal Entry (JE)
Friendly Reminders



These will answer many questions...

Attention

When completing JE and PSI's please include the ENTIRE statute number - including subsections

Similar offenses are separated by these subsections

Example:
21-5705(a)(1)(c)(1) - [formerly 21-36a05(a)(1)] **Drugs; Cultivate, distribute, or possess w/ intent to distribute opiates, cocaine, meth, narcotics and the like.**

REGISTRATION REQUIRED!

21-5705(a)(2)(c)(1) - [formerly 21-36a05(a)(2)] **Drugs; Cultivate, distribute, or possess w/ intent to distribute marijuana, depressant, stimulants and the like.**

NO REGISTRATION required!

Please contact
Carrie Krusor or Chris Chavez
if you have **ANY** questions
(785) 296-0923.

Thank You!

If you email JEs– please include the following:



- ▶ JE
- ▶ PSI
- ▶ Date of Birth
- ▶ Criminal History worksheet

We provide
KBI Offender Registration Forms

Remember...
There are a few misdemeanor offenses that require registration!



Kansas Criminal Justice System Resource Directory

A Message to Entities Referenced in the Kansas Criminal Justice System Resource Directory-

The staff of the Kansas Sentencing Commission hopes the Resource Directory will be a valuable aid to you and your staff. Every effort has been made to ensure complete and accurate information. In order to maintain maximum efficiency of this directory, please keep us apprised of updates by emailing changes to: office@sentencing.ks.gov.

If **your** information in this **Resource Directory** has changed, please use this **revision form** to let us know.

Thank you to those who help us keep your information accurate!

- Please feel free to print your own copy.*

Last revised 7/31/12



Kansas Sentencing Guidelines Desk Reference Manual (DRM)



The Kansas Sentencing Commission Desk Reference Manual ...

provides general instructions for application of the provisions of the Kansas Sentencing Guidelines Act (KSGA) K.S.A. 21-4701 *et seq.* The Manual contains features that we hope will not only inform users of the latest developments in sentencing law 2010, but also help to facilitate more efficient understanding and application of the law.

2011 DRM

... **order yours!**

Please check to see the **current** rate for **your** city or county - (we have to keep our books balanced too.)

2012 Sales Tax Rates

Thank you!

Mail completed form with your payment.

2010 Desk Reference Manual (DRM) are still available.

To order yours!

(Please send payment with the order form.)

To remove your name from our mailing list, please [click here](#).
 Questions or comments? E-mail us at sentencing@sentencing.ks.gov
 We welcome your questions – call us at 785-296-0923

New Five-Level Drug Grid Unveiled (continued from page 1)

Second, the new drug grid has also expanded the border boxes to severity levels 5C and 5D. As noted above, crimes in these grid boxes will be mainly drug possession offenses and the rest miscellaneous crimes that were previously severity level four.

Finally, to facilitate easy access to drug quantity thresholds, rebuttable presumptions regarding distribution or intent to distribute and other sentencing matters, a helpful table has been created below the grid to provide an at-a-glance viewing to assist those in the criminal justice community.

An additional “quick reference” combination nondrug and drug [grid](#) has also been created. This one page document allows the practitioner to possess both grids with additional sentencing information.

It is the hope of the Commission that both of these charts will be helpful to their users and tools going forward to become more familiar with the substantive changes in the Kansas sentencing law.

