



700 SW Jackson, Suite 501
 Topeka, Kansas 66603
 O: (785)296-0923
 F: (785)296-0927

June 2012

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



www.kansas.gov/ksc

Inside this issue:

2011 Annual Report	2
FY2012 KDOC Inmate Classification Projections	2
2012 Prison Population Projection Report	2
Case Law Updates	3
Senate Bill 123 News	3
Journal Entry of Judgment & PSI News—	4
Kansas Criminal Justice System Resource Directory	5
Kansas Sentencing Guidelines Desk Reference Manual News	5

KSC Chairman Recognized

The Honorable Ernest L. Johnson, Chairman of the Kansas Sentencing Commission, recently announced that he will not seek reappointment on July 1. Judge Johnson currently serves as a Wyandotte County District Court judge and has done so for almost 16 years. He was appointed to the Commission by Kansas Supreme Court Chief Justice Kay McFarland in 2000 as a member and later as its chairman in 2002.

For a decade he led the Commission through many pivotal changes in sentencing policy and law, particularly the maturation and evolution of the sentencing guidelines. In addition to his outstanding leadership at monthly meetings, he has also served on many Commission Subcommittees that have shaped the criminal sentencing landscape. His willingness to selflessly volunteer his time and expertise is evidenced in the major strides the criminal justice system has made through the utilization of evidence-based practices. 2003 SB 123 provided for certified drug abuse treatment for drug possession offenders. Senate Sub for HB 2576, commonly known as Jessica’s Law, created harsher sentences for certain sex offenders. The Kansas criminal code was recodified in 2010. Judge Johnson steered the Commission through these pivotal points in legislative action. And most recently, during a vacancy in the executive director position, he served as editor of the 2011 Sentencing Guidelines Desk Reference Manual. Judge Johnson will be missed!

Members of the Commission are appointed for two-year terms and his successor will be appointed by Kansas Supreme Court Chief Justice Lawton R. Nuss at a later date.

2012 Journal Entry, PSI and Probation Revocation Forms are available. [See page 4](#)

Journal Entry Helpful Reminders

A collection of important things to remember when completing the Journal Entry (JE) has been compiled to assist those who may have questions or need any clarification. Our complete [list of friendly reminders](#) is located on our website, but here are a few to mention:

- **Sentencing-** It is important to incorporate all the information from the beginning of the JE to the Recap page. Make sure the sentencing information from the entire JE, adding consecutive sentences (watching for the Double Rule), confirming that the number of months in prison, underlying prison, jail, probation, and postrelease reflect the correct sentence and are consistent, e.g., many times we see probation on page 2 as 18 months probation and then on the Recap it reflects 24 months probation. Section VI: Recap of Sentence
- **Sentencing-** JE, page 5, Section VI: Recap of Sentence, please be certain to indicate if any PRIOR cases (#5) are concurrent or consecutive to this case.

[continue on Page 3](#)

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.

June Case Law Updates

[State v. Bellinger](#) – June 22, 2012 – Pottawatomie – Affirmed, No. 105,008 (Jury Instructions)

[State v. Graves](#) – June 22, 2012 – Johnson – Affirmed, No. 106,285 (Jail Credit)

[State v. Weis](#) – June 15, 2012 – Saline – Affirmed, No. 104,295 (Constitutionality, Kansas Offender Registration Act)

[State v. Douglas](#) – June 15, 2012 – Sedgwick – Reversed and remanded with directions, No. 105,236 (Fees, Fines and Restitution)

[State v. Jaben](#) – June 1, 2012 – Johnson – Appeal denied, No. 102,383 (Appeals)

Senate Bill 123 News

It's that time of year again...

The State's Financial System will not be accessible to us to make payments **July 12, 2012 to July 15, 2012 for FY 2012 invoices.**

(Services provided July 1, 2011-June 30, 2012)

For more information [click here](#)

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.



Continued from page 1

- **Statutes**– With the new code recodification, please include specific subsections because just a letter or a number separates one offense from another with the same statute number. For example:
 - ▶ Selling Meth 21-5705(a)(1), (c)(1); or
 - ▶ Selling Meth within 1000 ft of school 21-5705(a)(1), (c)(1)(A).

Each of these offenses has a different severity level. (It's the statutory penalty section that separates these offenses). Page 1 JE, Section III, #2.

- **Departures**- If the sentence does not follow the grid and presumptive ranges, it is a departure. It is NOT considered a dispositional departure if it falls in the correct grid even when a special rule applies or border box findings apply unless it is a durational departure, e.g., History Level I, Aggravated Assault, Level 7, committed with a firearm, Special Rule #1 – presumed prison. Following the grid the offender would be eligible for probation. With the Special Rule, the court may either



Kansas Sentencing Commission

700 SW Jackson, Suite 501
Topeka, Kansas 66603-3757

Phone: 785-296-0923
Fax: 785-296-0927
E-mail:

office@sentencing.ks.gov

Take a look!

Journal Entry (JE)
Friendly Reminders



These will answer many questions...



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

Continued from page 3

sentence to prison or probation and this would not be considered a departure if given probation. Please mark the Departure Box and complete the Departure Reasons on the following page. (Page 3, Section IV.)

- **Double Rule-** When adding consecutive offenses to the primary offense, the total sentence can be no more than double that of the primary sentence, e.g., if defendant receives 25 months for the primary offense, and has three additional offenses that have 12 months each and are all consecutive – the grand total number of months (Recap) would be 50 and not 61 (25 + 12 + 12 + 12 =61). Recap Section VI.

We can be reached at (785) 296-0923 to assist with your question.

Thank you.

[Click here](#) to view the

2012 Forms
(effective 7/1/2012)

- Journal Entry of Judgment (JE)
- Probation Revocation
- Presentence Investigation (PSI)

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



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!

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](#)

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!



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. *



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