



July 2013

Quarterly E-newsletter

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



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2013 Forms Updated and a HB 2170 Tab Added to Website

Updated 2013 forms are newly revised for the Presentence Investigation Report (PSI), Journal Entry of Judgment and Journal Entry of Probation Revocation Hearing. They may be found [here](#) and at the Forms tab of the website.

On July 1, 2013, the Kansas criminal justice community experienced a comprehensive change in the way post-sentencing procedures are carried out in the 31 judicial districts throughout the state. The Justice Reinvestment Initiative, in the form of House Bill 2170, passed during the 2013 legislative session. It represents a change in vocabulary, but most importantly the process by which offenders are sanctioned for violations of their post-sentencing supervision. Although not exclusive, below are three of the major changes:

Swift and certain sanctions: Court services and community corrections officers are equipped with an additional enforcement tool. It is designed to provide quick, measured consequences in the form of jail stays up to three days at a time for technical violator offenders while on probation;

Graduated sanctions: Community corrections sanctions of 120-days and 180-days in prison are also provided with the legislation. These are for technical violations of probation and are imposed by the district court after serving at least one jail stay as described above. The offender is then returned to community corrections to serve the remaining term of supervision;

Postrelease supervision extended: As of 2000, those revoked from probation have served their time and been released from prison without supervision. As of July 1, all offenders are now subject to postrelease supervision.

To provide you with the most current information regarding these changes, the Commission has established a new [HB 2170](#) tab at the top of its website that will be updated with helpful resources to assist you in the transition and implementation of this new law.



[Commission Releases House Bill 2170 FAQ](#)

On July 1, 2013, the Sentencing Commission released its guidance on some frequently asked questions (FAQ) regarding the recent Justice Reinvestment bill that brings comprehensive change to probation and postrelease supervision. The document represents the Commission's position on questions regarding process and procedure for probation and postrelease beginning on July 1, 2013, due to the passage of HB 2170. The Commission anticipates that the FAQ will be enlarged to address more inquiries as implementation of the new law continues.



Highlights of the Legislative Session

Human trafficking, Racketeering, and the Justice Reinvestment Initiative were just a few of the major changes to the criminal law landscape in the 2013 Legislative Session. A detailed summary of these and other important bills passed may be found [here](#).

KSC is pleased to provide a new web site.
www.sentencing.ks.gov

Commission Welcomes New Staff Attorney and SB 123 Program Director



Sean Ostrow attended UNC-Chapel Hill where he graduated with a B.A. in psychology and English in 2005. He moved from North Carolina to Kansas in 2006 and graduated from KU School of Law in 2008. In 2008 he joined the Office of the Revisor of Statutes, where he staffed numerous legislative committees, including the House Corrections and Juvenile Justice Committee. Sean has also served as an assistant to the Kansas Criminal Recodification Commission.

Sean will serve as the agency staff attorney and the SB 123 Program Director. His duties will also include Desk Reference Manual editor and resource person for criminal justice stakeholders seeking assistance with the Kansas Sentencing Guidelines.

[2013 Kansas Sentencing Guidelines– Forms](#)

**All 2013 Forms
are effective 7/1/2013
(revision date 7/8/2013)**

[Click here](#) to view all 2013 forms

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

Please note:

Under each form of the **highlighted version** we have provided and an explanation document describing the latest changes.

Please don't hesitate to call with any 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

If you email JEs– **please include the following:**

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

If you have ANY questions (785) 296-0923.



☀ **2012 Annual Report** ☀

To view the report [click here](#)

Kansas Sentencing Guidelines Desk Reference Manual (DRM)

2012 DRM

... order yours!

Mail completed form with your payment.

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, but also help to facilitate more efficient understanding and application of the law.

2012, 2011 & 2010 Desk Reference Manuals (DRM) are still available.



2003 Senate Bill 123

K.S.A. 2012 Supp. 21-6824

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. 2012 Supp 21-5706.

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 Sean Ostrow, seano@sentencing.ks.gov

Senate Bill 123 News

[Observance of Length of Stay Caps when Billing for SB 123 Treatment letter](#)

☀ **SB123 Billing Changes** ☀

Starting January 1, 2013, insurance billing changes will occur.

For more information [click here](#).

[The Offender Insurance Coverage Report Form](#)

Treatment Providers: Please remember:

- Send All ASIs 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.

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 6/19/13**

April - June Case Law Updates

- ▶ **State v. Gallardo** – April 5, 2013 Reversed and Vacated No. [101067](#) Court of Appeals Decision (Ks Offender Registration Act (KORA))
- ▶ **State v. Lawson** - April 5, 2013 Reversed and remanded. No. [103509](#) Supreme Court Decision (Constitutionality)
- ▶ **State v. Herbel** – April 5, 2013— Affirmed. No. [103558](#) Supreme Court Decision (Constitutionality, Appeals)
- ▶ **State v. Moses** – April 5, 2013—Affirmed. No. [105991](#) – Supreme Court Decision (Plea Agreements)
- ▶ **State v. Rochelle** – April 12, 2013— Affirmed. No. [101341](#) Supreme Court Decision (Jessica’s Law, Departures, Jury Instructions)
- ▶ **State v. Conrad** - April 12, 2013— Sentence affirmed in part and vacated in part. No. [104579](#) (Jessica’s Law, Postrelease)
- ▶ **State v. Waggoner** - April 12, 2013—Conviction affirmed, sentence affirmed in part and vacated in part, and case remanded with directions. No. [105215](#) Supreme Court Decision (General Issues, Jury Instructions, Postrelease)
- ▶ **State v. Jackson** – April 12, 2013—Vacated No. [106184](#) Supreme Court Decision (Jessica’s Law, Mandatory Minimums/Hard 40 or 50 Sentencing, Departures)
- ▶ **State v. Smyser** - April 26, 2013—Affirmed in part, vacated in part, and remanded with directions. No. [105077](#) Supreme Court Decision (Jury Instructions)
- ▶ **State v. Hannebohn** – May 3, 2013—Reversed and remanded with directions. No. [107754](#) Court of Appeals Decision (Fees, Fines and Restitution, Appeals)
- ▶ **State v. Sarabia-Flores** – May 10, 2013—Affirmed. No. [106662](#) Court of Appeals Decision (Plea Agreements)
- ▶ **State v. Randolph** - May 10, 2013—Randolph's conviction is affirmed, his sentence is vacated, and the case is remanded with directions. No. [103918](#) Supreme Court Decision (Jury Instructions)
- ▶ **State v. Hood** - May 17, 2013—Affirmed in part, reversed in part, and remanded with directions to the district court. No. [101953](#) Supreme Court Decision (Multiplicity)
- ▶ **State v. Burnett** – May 31, 2013— Reversed, Sentence Vacated No. [100766](#) Supreme Court Decision (General Issues)
- ▶ **State v. Baker** – May 31, 2013—Affirmed. No. [107858](#) Supreme Court Decision (Consecutive and Concurrent Sentencing)
- ▶ **State v. Smith** – June 7, 2013—Affirmed. No. [107836](#) Court of Appeals Decision (Criminal History)
- ▶ **State v. Wetrich** - June 14, 2013—Convictions affirmed, sentence vacated, and case remanded for further proceedings. No. [106002](#) Court of Appeals Decision (Criminal History)
- ▶ **State v. Breeden** - June 14, 2013—Conviction affirmed, sentence affirmed in part and vacated in part, and case remanded with directions. No. [104475](#) Supreme Court Decision (Mandatory Minimums/ Hard 40 or 50 Sentencing, Jury Instructions)
- ▶ **State v. Florentin** – June 14, 2013—Affirmed. No. [104883](#) Supreme Court Decision (Jessica’s Law)

Comments or Questions? Email us at sentencing@sentencing.ks.gov
We welcome your questions – call us at 785-296-0923

Have a great summer!