

Honorable Ernest L. Johnson, Chair
Honorable Richard M. Smith, Vice Chair
Sarah E. Fertig, Executive Director

Sam Brownback, Governor

June 27, 2011

Update: Kansas Criminal Code Recodification

Dear Stakeholder:

Kansas Sentencing Commission's has updated various forms and reference documents to incorporate the criminal code recodification bill, 2010 HB 2668, which takes effect July 1, 2011. This bill renumbers the Kansas criminal statutes, and recodifies them into a uniform format. Almost all existing statutes between K.S.A. 2010 Supp. 21-3101 and K.S.A. 2010 Supp. 21-4801 will be renumbered.

To assist our partners in adjusting to this change, the KSC has produced several reference documents that will serve to highlight the major changes to the criminal code. First, we have posted a "crosswalk" Appendix to our Desk Reference Manual which lists the statute numbers for felonies and misdemeanors prior to and after July 1, 2011. You are welcome and encouraged to print this Appendix as a supplement to your existing Desk Reference Manual. The 2011 Manual will be available as soon as possible. *Please note that the new statute numbers will not be official until publication in the 2011 Cumulative Supplement to the Kansas Statutes Annotated.*

We have also posted updated PSI, Journal Entry of Judgment and Revocation forms in two formats: a version highlighting the changes from the 2010 forms, and a "clean copy" ready for use. Because the new statute numbers are not official yet, the revised forms usually refer to the old statute numbers, i.e. "Attempt – formerly K.S.A. 21-3301". Where a current statutory citation is required, the forms refer to the applicable section of the Session Laws of Kansas. These forms will be revised again upon publication of the 2011 Cumulative Supplement to the Kansas Statutes Annotated.

A major change to the 2011 forms is the inclusion of the "domestic violence tag" pursuant to 2010 HB 2517. If the trier of fact determines that an offense was domestic violence-related, then the judge has the option to designate the case a domestic violence case and order the offender to complete a DV assessment and any recommendations resulting from the assessment. We have included new sections on the PSI and JE forms to capture such designation.

Please note that until the recodified criminal statutes are published in the 2011 Supplement, the Revisor of Statutes Office suggests using the following citation format: "section X of chapter 136 of the 2010 Session Laws of Kansas, to be codified at K.S.A. 2011 Supp. 21-XXXX." The applicable section(s) of 2010 HB 2668 can be found at the following web page: http://www.ksrevisor.org/docs/2011/HB2668Sections_f.pdf, and the new statute numbers are available in the "crosswalk" Appendix.

Please feel free to contact the Sentencing Commission with any questions that you may have.

Sincerely,

