

For Court Use Only (Seal)

2011 KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT

Please use Journal Entry based on OFFENSE DATE

SECTION I. CASE IDENTIFYING INFORMATION		1. Transaction No.	
2. STATE v. <input type="checkbox"/> Male <input type="checkbox"/> Female		3. Court O.R.I. Number	4. K.B.I. Number
5. County	6. Court Case Number	7. Sentencing Judge	8. Sentencing Date
9. Defense Counsel: <input type="checkbox"/> Appointed <input type="checkbox"/> Retained <input type="checkbox"/> Self <input type="checkbox"/> Waived Orally <input type="checkbox"/> Waived in Writing Counsel Name (please print) _____			
10. Type of Proceeding (Trial) <input type="checkbox"/> Bench Trial (includes a plea on stipulated facts) <input type="checkbox"/> Jury Trial <input type="checkbox"/> Guilty Plea <input type="checkbox"/> Nolo contendere Plea			
11. Date of Conviction:			
12. Pre-Trial Status of Offender <input type="checkbox"/> In Custody <input type="checkbox"/> Released on Bond <input type="checkbox"/> Other Release			
SECTION II. CRIMINAL HISTORY CLASSIFICATION			
1. Offender's Overall Criminal History Classification as Found by the Court: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I			
2. Objection to Criminal History? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, By: <input type="checkbox"/> Defendant or <input type="checkbox"/> State Court's Ruling on Objection: <input type="checkbox"/> Criminal history was amended <input type="checkbox"/> Criminal history was not amended			
SECTION III. CURRENT CONVICTION INFORMATION			
1. Name of PRIMARY Offense of Conviction: _____ Count No.: _____ Date of Offense: _____ <input type="checkbox"/> Designated by court as domestic violence case based upon special finding (see #13 this section)			
2. K.S.A. Title, Section, Subsection(s): _____ <input type="checkbox"/> Attempt (formerly K.S.A. 21-3301) <input type="checkbox"/> Conspiracy (formerly K.S.A. 21-3302) <input type="checkbox"/> Solicitation (formerly K.S.A. 21-3303)			
3. Grade of Offense: (Check one in each row.) <input type="checkbox"/> Felony, Severity Level _____ <input type="checkbox"/> Misdemeanor, Class _____ <input type="checkbox"/> Person <input type="checkbox"/> Nonperson			
4. Offense Category: <input type="checkbox"/> Nondrug <input type="checkbox"/> Drug <input type="checkbox"/> Off-grid <input type="checkbox"/> Nongrid			
5. Presumptive Sentencing Range: (Enter terms from appropriate grid.) Aggravated _____ Standard _____ Mitigated _____ Check applicable box(es) <input type="checkbox"/> Presumptive Prison <input type="checkbox"/> Presumptive Probation <input type="checkbox"/> Border Box <input type="checkbox"/> Drug Treatment for up to 18 months. K.S.A. 2011 Supp 21-6824 (formerly K.S.A. 21-4729) <input type="checkbox"/> Special Rule Applies (Complete Special Rules Supplemental Page and Attach)			

**THIS FORM MUST BE ACCOMPANIED BY A COPY OF THE PRESENTENCE INVESTIGATION FORM PURSUANT TO K.S.A. 22-3439 AND A DOCUMENT CONTAINING INFORMATION REQUIRED BY K.S.A. 22-3426.
PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION.**

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6. **SPECIAL RULE APPLICABLE:** Yes No **If Yes, enter the number(s) and brief description(s) corresponding to the applicable special rule. (Complete Special Rules Supplemental Page and Attach):** _____

7. **SPECIAL FINDING** that the crime was SEXUALLY MOTIVATED pursuant to the KS Offender Registration Act
7a. Did the court make a special finding that the crime was sexually motivated? Yes No
7b. **IF YES to 7a, did the court find that the act involved non-forcible sexual conduct, the victim was at least 14 and the offender was no more than 4 years older than the victim? (K.S.A. 2011 Supp. 22-4902(c)(15))** Yes No
7c. **IF YES to 7a and NO to 7b, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.**

8. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (formerly K.S.A. 21-4642) Yes No
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

9. Is offender being sentenced pursuant to **K.S.A 2011 Supp. 21-6627 (formerly K.S.A. 21-4643)** where offender is 18 years of age or older and the victim is less than 14 years of age? Yes No
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

10. Downward departure [formerly K.S.A. 21-4719(a)] for a crime of extreme sexual violence (formerly defined in K.S.A. 21-4716)? Yes No
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

11. Did offender, as determined by the court, commit the current crime with a deadly weapon? Yes No
IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

12. Was offender convicted of a violation of the statutes formerly codified at **K.S.A. 2011 Supp 21-5703 (formerly 21-36a03), Manufacture or attempted manufacture, K.S.A. 2011 Supp 21-5705(a)(1) (and all subsections of (a)(1)), (formerly 21-36a05(a)(1)), Cultivation, Distribution, Possession w/ intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), (f)(1), or K.S.A. 2011 Supp. 21-5709(a) (formerly 21-36a09(a), 21-5710(a)(1), (a)(2), (formerly 21-36a10(a)(1), (a)(2)), Possession of precursors w/ intent to manufacture?** Yes No
IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY. (personal use exemption eliminated effective July 1, 2011)

13. **Determination of domestic violence case designation**
13a. Did offender, as determined by the trier of fact, commit a domestic violence offense? Yes No
13b. **If YES to 13a above, did the court find that offender had no prior domestic violence conviction or diversion, AND that offender did not use the present domestic violence offense to coerce, control or punish the victim?** Yes No
13c. **If YES to 13a and NO to 13b, PLEASE CHECK THE DOMESTIC VIOLENCE CASE DESIGNATION BOX.** DV Case

SENTENCE IMPOSED:

1. **Guideline Range Imposed:** Aggravated Standard Mitigated Departure – **COMPLETE SECTION IV**

2. **Prison Term:** KDOC ___ months (including enhancement sentence)
(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted ****** or Underlying with KDOC Drug Trtmnt Prog. (min. 120 days)
 Enhancement Sentence- Drug with Firearm: 6 months 18 months [formerly K.S.A. 21-4705(g)]
Ballistic Resistant Material: 30 months [formerly K.S.A. 21-4704(s)]
 Off-grid Crime:
 Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 25 Hard 40 Hard 50
 Mandatory minimum years = 50 years (600 months) or ___ months pursuant to guidelines, given offender's criminal history, whichever is greater
 Life Imprisonment without Parole Death Penalty

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) - **COMPLETE SECTION IV**
 No Postrelease K.S.A. 22-3716(e) Lifetime Postrelease Parole Lifetime Parole

4. **Nongrid Term: (Jail)** (For misdemeanor or nongrid felony.) _____ months days
(Enter county jail term above then check one of the following) Jail sentence imposed or Underlying with probation granted.
 3rd D.U.I. (w/12 mo. supervision) 4th & Subs. D.U.I. (w/12 mo. supervision) 3rd & Subs. Domestic Battery w/in 5 yrs. Animal Cruelty
 Probation granted after serving term of ___ months days
 Assignment to a work release program (formerly K.S.A. 21-4603d (a)(11))

****This option is included in statute, but is unavailable.**

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5. **Probation Term (If Granted):** 12 months 18 months 24 months 36 months 60 months
 Drug Treatment for up to 18 months. **K.S.A. 2011 Supp. 21-6824 Formerly** K.S.A. 21-4729 Other: _____
 Extended Period **K.S.A. 2011 Supp. 21-6608 (formerly** K.S.A. 21-4611(c)(5)) for: _____ months
Probation Supervision to: Court Services Community Corrections Unsupervised
County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days
**** Assignment to Correctional Conservation Camp**

Comments: _____

SECTION IV. DEPARTURE INFORMATION

1. **Type of Departure:** (Check all that apply.)
 Downward Durational Upward Durational Downward Dispositional Upward Dispositional
 Postrelease Supervision (up to 60 months for sexually motivated offense) – K.S.A. 2011 Supp. 22-3717(d)(1)(D)(i)
 ["Sexually motivated" defined in K.S.A. 2011 Supp. 22-3717(d)(2).]

2. **Reasons Cited as Basis for Departure:**

SECTION V. OTHER CONDITIONS

1. **General/Special Conditions of Probation (COMPLETE AND ATTACH ORDER OF PROBATION TO THIS JOURNAL ENTRY if needed)**

2. **Costs Ordered:**

Total Restitution (Please complete #3 below.)	\$ _____	Correctional Supervision Fee (Felony \$120; Misd. \$60)	\$ _____
Court Costs (including surcharge)	\$ _____	BIDS Attorney Fee	\$ _____
Total Fines (*See Below)	\$ _____	BIDS Application Fee	\$ _____
DNA Database Fee (K.S.A. 21-2511 & 75-724.)	\$ _____	Court-Appointed Attorney Fee	\$ _____
Extradition Costs	\$ _____	Community Corrections Fee (offenses after 1/4/07)	\$ _____
Domestic Violence Special Program Fee	\$ _____	Booking/Fingerprint Fee	\$ _____
Apprehension Fee (Escape/Agg. Escape)	\$ _____	Reward Reimbursement	\$ _____
Alcohol and/or Drug Eval. Fee (offenses before 7/1/11)	\$ _____	Children's Advocacy Center Assessment Fee	\$ _____
Witness Fee	\$ _____	Medical Costs/Expenses Reimbursement	\$ _____
KBI Lab Fee	\$ _____	SB 123 Offender Reimbursement (at least \$300)	\$ _____
Other Lab Fee	\$ _____	Other: _____	\$ _____
Domestic Violence Assessment/Recommendations	\$ _____	TOTAL COSTS	\$ _____

* **Includes fine for DUI offense committed on or after 7/1/11. Clerk will send \$250 to the state treasurer.**

3. **Restitution to be paid as follows:**

Amount	Name and Address
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

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SECTION VI: RECAP OF SENTENCE

1. Sentence Imposed:

Total Prison Term (if sentence imposed is to prison): _____

Total County Jail Term: _____ Consecutive to Prison Term

Total Underlying Jail Term (if sentence imposed is probation): _____

Total Underlying Prison Term (if sentence imposed is probation): _____

For each count, the Court pronounced the complete sentence, including the maximum potential good time percentage. **Formerly** K.S.A. 21-4704(e)(2) and 21-4705(c)(2).

2. Postrelease Supervision Term:

12 months 24 months 36 months 60 months
 No Postrelease K.S.A. 22-3716(e) Lifetime Postrelease Parole Lifetime Parole

3. Probation Term Imposed (select one):

12 months 18 months 24 months 36 months 60 months

Drug Treatment for up to 18 months. **K.S.A. 2011 Supp. 21-6824 Formerly** K.S.A. 21-4729.

Extended Period **K.S.A. 2011 Supp. 21-6608 (formerly** K.S.A. 21-4611(c)(5)) for: _____ months

Other: _____

******Correctional Conservation Camp

4. Jail Credit: Enter dates (m/d/yy only) and days of potential jail credit for this case and check "A" if the days are actually awarded, or "N" if the days are not awarded by the court. (attach additional pages if necessary)

*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N
*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N
*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N
*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N	*Location-	From:	To:	=	Days	<input type="checkbox"/> A	<input type="checkbox"/> N

*Enter appropriate letters to indicate the type of location where credit may have been earned:

J=Jail TL=Treatment (Locked) TU=Treatment (Unlocked) RL=Residential (Locked) RU=Residential (Unlocked)

Sentencing Date: _____ - **Total Number of Days of Jail Credit Actually Awarded** _____ = **Sentence Begins Date:** _____

IF CASES ARE "CONSOLIDATED", list Grand Total of ALL jail credits actually awarded: _____

5. Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive:

Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>
Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>
Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>
Case No. _____	County _____	Sentence _____	Concurrent <input type="checkbox"/>	or Consecutive <input type="checkbox"/>

Others: _____

6. Miscellaneous Provisions:

- Defendant informed of right to appeal within 14 days of this date. **K.S.A. 22-3608(c)**. (Required by case law)
- Defendant informed of potential rights of expungement **K.S.A. 2011 Supp. 21-6614 (formerly** K.S.A. 21-4619(g)).
- Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act, K.S.A. **2011 Supp. 22-4905(b)(2)** **(Please complete OFFENDER REGISTRATION SUPPLEMENT and attach it to the Journal Entry.)**
- Defendant must submit specimens of blood or an oral or other biological sample, if not previously submitted, pursuant to **K.S.A. 21-2511(c)**.
- Defendant must obtain psychological evaluation and shall complete the recommended treatment pursuant to **K.S.A. 22-3717(d)(1)(D)(iv)**.
- Defendant has been processed, fingerprinted and palmed. **K.S.A. 21-2501(b)**
- Court remands Defendant to custody of Sheriff to begin serving sentence.
- Court remands Defendant to custody of Sheriff to await transportation to the custody of the Secretary of Corrections.
- Defendant to report to County Jail on the ____ day of _____, 20__ at ____ O'clock a.m. p.m. to start serving sentence.
- House arrest is authorized for remaining _____ days after Defendant completes mandatory _____ hours in the County Jail.
- Work release recommended (if accepted, defendant is to abide by recommendations of the program).
- Defendant's financial resources and burden imposed by BIDS application and attorney fees considered by the court pursuant to **K.S.A. 22-4513** and *State v. Robinson*, 281 Kan. 538, 132 P.3d 934 (2006).
- Defendant to undergo domestic violence assessment pursuant to **Section 7 of Chapter 101 of the 2010 Session Laws of Kansas**.
- Other Comments: _____

Case No. _____

SECTION VI. RECAP OF SENTENCE CONTINUED

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7. **Border Box Findings** K.S.A. 2011 Supp 21-6804 (formerly K.S.A. 21-4704(f)): **(Check if appropriate)**

- An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- the recommended treatment program is available and the offender can be admitted to the program within a reasonable period of time; or,
- the non-prison sanction will serve community safety interests by promoting offender reformation

8. **If made, Motion for New Trial:** Granted Denied

9. **If made, Motion for Judgment of Acquittal:** Granted Denied

10. **If made, Motion for Arrest of Judgment:** Granted Denied

11. **Additional Comments:**

SECTION VII. SIGNATURES

1. **Judge's Signature:** **Date:** _____
Signed: _____
Printed: _____

2. **Prosecuting Attorney:**
Signed: _____
Printed: _____
Supreme Court Number: _____
Date: _____
Address: _____

Phone No: _____

3. **Defense Attorney:**
Signed: _____
Printed: _____
Supreme Court Number: _____
Date: _____
Address: _____

Phone No: _____

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Case No. _____	
KSGA JOURNAL ENTRY OF JUDGMENT ADDITIONAL OFFENSES	COUNT _____ (Page 1 of 2)
1. Name of Additional Offense of Conviction: _____ Count No.: _____ Date of Offense: _____ <input type="checkbox"/> Domestic Violence Offense (see #14 this section)	
2. Sentences Concurrent or Consecutive: <input type="checkbox"/> Concurrent To Count(s): _____ <input type="checkbox"/> Consecutive To Count(s): _____	
3. K.S.A. Title, Section, Subsection(s): _____ <input type="checkbox"/> Attempt (formerly K.S.A. 21-3301) <input type="checkbox"/> Conspiracy (formerly K.S.A. 21-3302) <input type="checkbox"/> Solicitation (formerly K.S.A. 21-3303)	
4. Grade of Offense: (Check one in each row.) <input type="checkbox"/> Felony, Severity Level _____ <input type="checkbox"/> Misdemeanor, Class: _____ <input type="checkbox"/> Person <input type="checkbox"/> Nonperson	
5. Offense Category: <input type="checkbox"/> Nondrug Grid <input type="checkbox"/> Drug Grid <input type="checkbox"/> Off-grid <input type="checkbox"/> Nongrid	
6. Presumptive Sentencing Range (Use Criminal History Classification "I" for non-primary convictions.): (Enter the terms from the appropriate grid.) Aggravated _____ Standard _____ Mitigated _____ (Check the appropriate box(es).) <input type="checkbox"/> Presumptive Prison <input type="checkbox"/> Presumptive Probation <input type="checkbox"/> Border Box <input type="checkbox"/> Drug Treatment for up to 18 months. K.S.A. 2011 Supp. 21-6824 Formerly K.S.A. 21-4729. <input type="checkbox"/> Special Rule Applies (Complete Special Rule Supplemental Page and Attach)	
7. SPECIAL RULES Enter the number(s) and brief description(s) corresponding to the applicable special rule, if any (Complete Special Rule Supplemental Page and Attach): _____ _____	
8. SPECIAL FINDING that the crime was SEXUALLY MOTIVATED pursuant to KS Offender Registration Act 8a. Did the court make a special finding that the crime was sexually motivated? <input type="checkbox"/> Yes <input type="checkbox"/> No 8b. IF YES to 8a , did the court find that the act involved non-forcible sexual conduct, the victim was at least 14 and the offender was no more than 4 years older than the victim? (K.S.A. 2011 Supp. 22-4902(c)(15)) <input type="checkbox"/> Yes <input type="checkbox"/> No 8c. IF YES to 8a and NO to 8b , PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.	
9. Was offender determined by the Court to be an AGGRAVATED HABITUAL SEX OFFENDER? (formerly K.S.A. 21-4642.) <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.	
10. Is offender being sentenced pursuant to section 267 of chapter 136 of the 2010 Session Laws of Kansas (formerly K.S.A. 21-4643) where offender is 18 years of age or older and the victim is less than 14 years of age? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.	
11. Downward departure (formerly K.S.A. 21-4719(a)) for a crime of extreme sexual violence (formerly defined in K.S.A. 21-4716)? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.	
12. Did offender, as determined by the court, commit the current crime with a deadly weapon? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY	
13. Was offender convicted of a violation of K.S.A. 2011 Supp. 21-5703 (formerly 21-36a03), Manufacture or attempted manufacture, K.S.A. 2011 Supp. 21-5705(a)(1) (and all subsections of (a)(1)), (formerly 21-36a05(a)(1)). Cultivation, Distribution, Possession w/ intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), (f)(1), or K.S.A. 21-5709(a) (formerly 21-36a09(a), 21-5710(a)(1), (a)(2), (formerly 21-36a10(a)(1),(a)(2)). Possession of precursors w/ intent to manufacture? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY. (personal use exemption eliminated effective July 1, 2011)	
14. Determination of domestic violence case designation 14a. Did offender, as determined by the <u>trier of fact</u> , commit a domestic violence offense? <input type="checkbox"/> Yes <input type="checkbox"/> No 14b. If YES to 14a above, did the court find that offender had no prior domestic violence conviction or diversion, AND that offender did not use the present domestic violence offense to coerce, control or punish the victim? <input type="checkbox"/> Yes <input type="checkbox"/> No 14c. If YES to 14a and NO to 14b, PLEASE CHECK THE DOMESTIC VIOLENCE CASE DESIGNATION BOX. <input type="checkbox"/> DV Case	

Case No. _____

KSGA JOURNAL ENTRY OF JUDGMENT ADDITIONAL OFFENSES CONTINUED COUNT _____ (PAGE 2 OF 2)

SENTENCE IMPOSED:

1. **Guideline Range Imposed:** Aggravated Standard Mitigated Departure – **COMPLETE SECTION IV**

2. **Prison Term:** KDOC _____ months (including enhancement sentence)
(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted
 ******or Underlying with KDOC Drug Trtmnt Prog. (min. 120 days)
 Enhancement Sentence- Drug with Firearm: 6 months 18 months **K.S.A. 2011 Supp. 21-6805 [formerly K.S.A. 21-4705(g)]**
Ballistic Resistant Material: 30 months **K.S.A. 2011 Supp 21-6804 [formerly K.S.A. 21-4704(s)]**
 Off-grid Crime:
 Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 25 Hard 40 Hard 50
 Mandatory minimum years = 50 years (600 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater
 Life Imprisonment without Parole Death Penalty

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) – **COMPLETE SECTION IV**
 No Postrelease K.S.A. 22-3716(e) Lifetime Postrelease Parole Lifetime Parole

4. **Nongrid Term (Jail):** (For misdemeanor or nongrid felony.) _____ months days
(Enter county jail term above then check one of the following) Jail sentence imposed or, Underlying with probation granted
 3rd D.U.I. (**w/12 mo. supervision**) 4th & Subs. D.U.I. (**w/12 mo. supervision**) 3rd & Subs. Domestic Battery w/in 5 yrs. Animal Cruelty
 Probation granted after mandatory term of _____ months days

5. **Probation Term Imposed (select one):** 12 months 18 months 24 months 36 months 60 months

Drug Treatment for up to 18 months. **K.S.A. 2011 Supp. 21-6824 Formerly K.S.A. 21-4729**
 Extended Period (**formerly K.S.A. 21-4611(c)(5)**) for: _____ months
 Other:

Probation Supervision to: Court Services Community Corrections Unsupervised

County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days

****Assignment to Correctional Conservation Camp:**

Comments:

6. **Additional Comments:**

Case No. _____

SPECIAL RULES SUPPLEMENTAL PAGE (IF APPLICABLE, check box of the special rule that applies and include this page with the corresponding count. Additional copies may be made as needed.) PLEASE DO NOT RENUMBER THIS PAGE.) A special rule that changes the presumptive sentence, without constituting a departure, is applicable to this count because:

PUBLIC SAFETY OFFENSES / FIREARMS FINDING APPLY:

1. **Person Felony Committed With a Firearm** – presumed prison. Formerly K.S.A. 21-4704(h)
2. **Agg. Battery of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. Formerly K.S.A. 21-4704(g)
3. **Agg. Assault of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. Formerly K.S.A. 21-4704(g)
34. **Battery on a L.E.O., K.S.A. 21-3413(a)(2), resulting in bodily harm-** presumed prison and consecutive. Formerly K.S.A. 21-4704(q)
32. **Drug Felony While in Possession of a Firearm-** presumed prison. Formerly K.S.A. 21-4705(g)
33. **Drug Felony With a Firearm that Discharges-** presumed prison. Formerly K.S.A. 21-4705(g)
4. **Crime Committed for Benefit of a Criminal Street Gang** – presumed prison. Formerly K.S.A. 21-4704(k)
11. **Extended Jurisdiction Juvenile Imposed** – both juvenile and adult sentences imposed, adult sentence stayed conditioned on successful completion of juvenile sentence. K.S.A. 2010 Supp. 38-2347 and 2011 Supp. 38-2364
35. **Agg. Endangering a Child** – consecutive sentence required. Formerly K.S.A. 21-3608a(b)
36. **Ballistic Resistant Material** worn/used in commission/attempt/flight from felony – presumed prison and consecutive. Formerly K.S.A. 21-4704(s)
38. **Unlawful Sexual Relations** - presumed prison - Formerly K.S.A. 21-4704(r)

HABITUAL OR REPEAT OFFENSES APPLY:

5. **Persistent Sex Offender**, if current conviction is presumed prison – double the maximum duration. Formerly K.S.A. 21-4704(j)
12. **2nd or Subs. Manufacture of a Controlled Substance Conviction** – presumed prison, twice the maximum duration. Formerly K.S.A. 21-4705(e)
26. **3rd or Subs. Felony Drug Possession occurring on or after July 1, 2008** - presumed prison. Formerly K.S.A. 21-4705(f)
13. **Residential Burglary with a Prior Residential, Nonresidential or Agg. Burglary Conviction** – presumed prison. Formerly K.S.A. 21-4704(l)
27. **Burglary With Two or More Prior Convictions for a Violation of Theft, Burglary, or Agg. Burglary** – presumed prison. Formerly K.S.A. 21-4704(p).
29. **Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Agg. Burglary** – presumed prison. Formerly K.S.A. 21-4704(p).
30. ****** **For #27 or #29, Substance Abuse Underlying Factor, Treatment More Effective to Reduce Reoffense Risk and Community Safety Served** – KDOC Intensive Substance Abuse Treatment Program, Return to Court Upon Successful Completion. Formerly K.S.A. 21-4704(p)
31. **3rd or Subs. Criminal Deprivation of a Motor Vehicle** – presumptive prison. Formerly K.S.A. 21-4704(n)
16. **2nd Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of statute formerly codified at K.S.A. 21-3710(b)(3), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. Formerly K.S.A. 21-4704(i)
17. **3rd or Subs. Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of statute formerly codified at K.S.A. 21-3710(b)(4), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. Formerly K.S.A. 21-4704(i)
9. **Crime Committed While Incarcerated and Serving a Felony Sentence, or While on Probation, Parole, Conditional Release, or Postrelease Supervision for a Felony** – new sentence shall be imposed pursuant to consecutive sentencing provisions in statute formerly codified at K.S.A. 21-4608 and the court may impose prison even if presumption is nonprison. Formerly K.S.A. 21-4603d(f); See also former K.S.A. 21-4608(e)(2) (serving indeterminate sentence)
28. **Crime Committed While Incarcerated in a Juvenile Correctional Facility for an Offense That Would be a Felony if Committed by an Adult** – presumed prison. Formerly K.S.A. 21-4603d(f)(2)
10. **Crime Committed While on Felony Bond** – Under statute formerly codified at K.S.A. 21-4603d(f)(3) new sentence “may” be imposed pursuant to consecutive sentencing provisions in statute formerly codified at K.S.A. 21-4608 and the court may impose prison even if presumption is nonprison. However, under statute formerly codified at K.S.A. 21-4608(d), new sentence “shall” be consecutive.
37. **2nd or Subs. Identity Theft or Identity Fraud** – presumed prison (2011 H Sub for SB 55)

NONGRID OFFENSES APPLY:

6. **Felony D.U.I. (3rd, 4th or Subs.)** – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2011 Supp. 8-1567, term of imprisonment not to be served in KDOC. Formerly K.S.A. 21-4704(i)
8. **Felony Domestic Battery** - nongrid, sentenced pursuant to specific mandatory sentencing requirements of statute formerly codified at K.S.A. 21-3412a(b)(3), term of imprisonment not to be served in KDOC. Formerly K.S.A. 21-4704(i)
21. **Animal Cruelty Section 223 of Chapter 136 of the 2010 Session Laws of Kansas;** 2nd or subsequent conviction; or **Working/ Assistance dog** – formerly K.S.A. 21-4318(c) - nongrid felony, sentenced pursuant to specific mandatory sentencing requirements of same statute, term of imprisonment not to be served in KDOC. Formerly K.S.A. 21-4704(i)

FINANCE OFFENSES APPLY:

25. **Fraudulent Insurance Act**, any combination of acts occurring within 6 consecutive months involving \$25,000 or more - presumed prison. Formerly K.S.A. 40-2,118(e)
15. **Kansas Securities Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 17-12a508(a)(5)
19. **Mortgage Business Act**, Second or Subsequent Conviction – presumed prison. K.S.A. 2010 Supp. 9-2203(d)
20. **Loan Brokers Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 50-1013(a)

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Case No. _____

SEX OFFENSE SUPPLEMENT (If applicable, complete and attach to the Journal Entry.)

1. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (formerly K.S.A. 21-4642.) Yes No
IF YES, PLEASE COMPLETE SECTION A. "Aggravated Habitual Sex Offenders".

2. Is offender being sentenced pursuant to section 267 of chapter 136 of the 2010 Session Laws of Kansas (formerly K.S.A. 21-4643) where offender is 18 years of age or older and the victim less than 14 years of age? Yes No
IF YES, PLEASE COMPLETE SECTION B. "Child Sex Offenses".

SECTION A. Aggravated Habitual Sex Offenders – K.S.A. 2011 Supp. 21-6626 Formerly K.S.A. 21-4642

Imprisonment for life without the possibility of parole; not eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

SECTION B. Child Sex Offenses – K.S.A. 2011 Supp. 21-6627 Formerly K.S.A. 21-4643

Sentence imposed for sex offenses where offender is 18 years of age or older and the victim is less than 14 years of age. (CHECK ONLY ONE)

First Offense
 Downward departure to guidelines, subject to provisions of statute formerly codified at K.S.A. 21-4719, and amendments thereto; lifetime postrelease supervision. *State v. Ballard*, Kansas Supreme Court, 289 Kan. 1000 (2009)(**Complete Section IV – Departure Information, page 3 of Journal Entry of Judgment.**)
 Mandatory minimum of Hard 25 years (300 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime parole. K.S.A.22-3717(u)

Second Offense
 Mandatory minimum of Hard 40 years (480 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime parole. K.S.A. 22-3717(u)

Third Offense – see Section A. above, Aggravated Habitual Sex Offender – Life Imprisonment Without Parole.

SECTION C. Downward Departure K.S.A. 2011 Supp 21-6818 [formerly K.S.A. 21-4719(a)] for a Crime of Extreme Sexual Violence K.S.A. 2011 Supp. 21-6815 (formerly defined in K.S.A. 21-4716)
(NO downward dispositional departure allowed)

Downward durational departure limited to 50% of middle of the sentencing range? Yes No

SECTION D. Sexually Violent Crime [formerly defined in K.S.A. 22-3717(d)(2)]

Was offender convicted of a sexually violent crime, but was not sentenced pursuant to 267 of chapter 136 of the 2010 Session Laws of Kansas (formerly K.S.A. 21-4643)?
 Yes – Lifetime postrelease supervision [(K.S.A. 22-3717(d)(1)(G))]
 No – Postrelease supervision term as otherwise indicated by law

Comments:

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Case No. _____

OFFENDER REGISTRATION SUPPLEMENT – K.S.A. 2011 Supp. 22-4901 et seq.

(PAGE 1 of 2)

(If applicable, complete both pages and attach to the Journal Entry.)

SECTION A. REGISTRATION REQUIREMENT - Check appropriate boxes to indicate the REASON for registration. See K.S.A. 2011 Supp. 22-4902(a)

Offender required by court order to register for an offense not otherwise required as provided by the Kansas Offender Registration Act

____ Enter age of victim (K.S.A. 2011 Supp. 22-4904(a)(4))

Offender required to register due to **SEX OFFENDER** status as indicated by any of the following:

Conviction of any of the following crimes:

- Sexual Battery – formerly K.S.A. 21-3517
- Any conviction for any comparable offense in effect prior to July 1, 2011
- Any attempt, conspiracy or criminal solicitation of a comparable crime

Conviction of any of the following crimes when one of the parties involved is under 18 years of age:

- Adultery – formerly K.S.A. 21-3507
- Criminal Sodomy as formerly defined in K.S.A. 21-3505(a)(1)
- Promoting Prostitution – formerly K.S.A. 21-3513
- Patronizing a Prostitute – formerly K.S.A. 21-3515
- Lewd and Lascivious Behavior – formerly K.S.A. 21-3508
- Conviction for any comparable offense prior to July 1, 2011
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Conviction of any of the following sexually violent crimes or adjudication as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime, UNLESS the court finds on the record that the act involved non-forcible sexual conduct, the victim was at least 14 and the offender not more than 4 years older than victim:

- Rape – formerly K.S.A. 21-3502
- Indecent Liberties With a Child – formerly K.S.A. 21-3503
- Agg. Indecent Liberties With a Child – formerly K.S.A. 21-3504
- Criminal Sodomy – formerly K.S.A. 21-3505(a)(2) and (a)(3)
- Agg. Criminal Sodomy – formerly K.S.A. 21-3506
- Indecent Solicitation of a Child – formerly K.S.A. 21-3510
- Agg. Indecent Solicitation of a Child – formerly K.S.A. 21-3511
- Sexual Exploitation of a Child – formerly K.S.A. 21-3516
- Agg. Sexual Battery – formerly K.S.A. 21-3518
- Agg. Incest – formerly K.S.A. 21-3603
- Electronic Solicitation – formerly K.S.A. 21-3523
- Unlawful Sexual Relations (on or after July 1, 2010) – formerly K.S.A. 21-3520
- Any conviction for any comparable offense in effect prior to July 1, 2011
- Any attempt, conspiracy or criminal solicitation of a sexually violent crime
- Any act determined beyond a reasonable doubt to have **been** sexually motivated AND the act did not involve non-forcible sexual conduct between a victim at least 14 and offender no more than 4 years older than victim – **2011 H Sub for SB 37**

Offender required to register due to **VIOLENT OFFENDER** status (Indicated by conviction of any of the following crimes):

- Capital Murder – formerly K.S.A. 21-3439
- Murder in the First Degree – formerly K.S.A. 21-3401
- Murder in the Second Degree - formerly K.S.A. 21-3402
- Voluntary Manslaughter - formerly K.S.A. 21-3403
- Involuntary Manslaughter - formerly K.S.A. 21-3404
- Kidnapping - formerly K.S.A. 21-3420
- Agg. Kidnapping - formerly K.S.A. 21-3421
- Criminal Restraint - formerly K.S.A. 21-3424 (except by parent, and only when victim is less than 18 years of age)
- Agg. Human Trafficking – formerly K.S.A. 21-3447
- Any conviction for any comparable offense in effect prior to July 1, 2011
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section
- Any person felony with court finding on the record that such felony was committed with a **DEADLY WEAPON** (On or after July 1, 2006):
 - Any conviction for any comparable person felony, committed with a **DEADLY WEAPON**, in effect prior to July 1, 2011
 - Any attempt, conspiracy or criminal solicitation of a person felony committed with a **DEADLY WEAPON**

Offender required to register due to **DRUG OFFENDER** status (Indicated by conviction of any of the following crimes):

- Manufacture** or attempted manufacture of any **controlled substance** – K.S.A. 2011 Supp 21-5703 (formerly K.S.A. 21-36a03)
- Possession of precursors** with intent to manufacture any **controlled substance** – K.S.A. 2011 Supp. 21-5709(a) [formerly K.S.A. 21-36a09(a)], K.S.A. 2011 Supp. 21-5710(a)(1), (a)(2) [formerly 21-36a10(a)(1), (a)(2)]
- Cultivation, Distribution, Possession** with intent to distribute **opiates, opium or narcotic drugs or any stimulant** in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1) – K.S.A. 2011 Supp. 5705(a)(1), **ONLY** [formerly K.S.A. 21-36a05(a)(1)]
- Any conviction for any comparable offense in effect prior to July 1, 2011
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Case No. _____

OFFENDER REGISTRATION SUPPLEMENT CONT. – K.S.A. 2011 Supp. 22-4901 et seq.

(PAGE 2 of 2)

SECTION B. REGISTRATION TERMS - check appropriate boxes indicating REQUIRED TERM of registration

See K.S.A. 2011 Supp. 22-4906

Offender is ordered to register for _____ years for:

- An offense not otherwise required, as provided by the Kansas Offender Registration Act, K.S.A. 2011 Supp. 22-4902(a)(5)
- Sexual Battery when no party involved is less than 18 years of age (no registration duration stated in K.S.A. 22-4906)
- Aggravated Human Trafficking when the victim is not less than 18 years of age (no registration duration stated in K.S.A. 22-4906)

Offender must register for 15 YEARS after the date of parole, discharge or release, whichever date is most recent, or, if offender is not confined, 15 YEARS from the date of conviction due to conviction of any of the following crimes:

- Capital Murder - formerly K.S.A. 21-3439
- Murder in the First Degree – formerly K.S.A. 21-3401
- Murder in the Second Degree – formerly K.S.A. 21-3402
- Voluntary Manslaughter – formerly K.S.A. 21-3403
- Involuntary Manslaughter – formerly K.S.A. 21-3404
- Criminal Restraint – formerly K.S.A. 21-3424 (except by parent, and only when victim is less than 18 years of age)
- Any act determined beyond a reasonable doubt to have been sexually motivated AND the act did not involve non-forcible sexual conduct between a victim at least 14 and offender no more than 4 years older than victim – K.S.A. 2011 Supp. 22-4902(a)(15)
- Any conviction of a person felony with court finding on the record that such felony was committed with a **DEADLY WEAPON**
- Manufacture** or attempted manufacture of any controlled substance – formerly K.S.A. 21-36a03
- Possession of precursors** with intent to manufacture any controlled substance – formerly K.S.A. 21-36a09(a), 21-36a10(a)(1), (a)(2)
- Cultivation, Distribution, Possession** with intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1) – formerly K.S.A. 21-36a05(a)(1) **ONLY**
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section
- Any of the following crimes when one of the parties is less than 18 years of age:
 - Sexual Battery - formerly K.S.A. 21-3517
 - Adultery - formerly K.S.A. 21-3507
 - Patronizing a Prostitute – formerly K.S.A. 21-3515
 - Lewd and Lascivious Behavior – formerly K.S.A. 21-3508

Offender must register for 25 YEARS after the date of parole, discharge or release, whichever date is most recent, or, if offender is not confined, 25 YEARS from the date of conviction due to conviction of any of the following crimes:

- Indecent Solicitation of a Child – formerly K.S.A. 21-3510
- Electronic Solicitation – formerly K.S.A. 21-3523
- Agg. Incest – formerly K.S.A. 21-3603
- Indecent Liberties With a Child – formerly K.S.A. 21-3503
- Unlawful Sexual Relations – formerly K.S.A. 21-3520
- Agg. Sexual Battery – formerly K.S.A. 21-3518
- Sexual Exploitation of a Child – formerly K.S.A. 21-3516, if the victim is at least 14 years of age but less than 18 years of age
- Promoting Prostitution – formerly K.S.A. 21-3513, if the prostitute is at least 14 years of age but less than 18 years of age
- Criminal Sodomy - as formerly defined in K.S.A. 21-3505(a)(1) when one of the parties involved is less than 18 years of age
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Offender is subject to LIFETIME registration due to any of the following:

- 2nd or **Subsequent** conviction of an offense requiring registration
- Conviction of any of the following crimes:
 - Rape – formerly K.S.A. 21-3502
 - Agg. Kidnapping – formerly K.S.A. 21-3421
 - Kidnapping – formerly K.S.A. 21-3420
 - Agg. Criminal Sodomy – formerly K.S.A. 21-3506
 - Criminal Sodomy – formerly K.S.A. 21-3505(a)(2) or (a)(3)
 - Agg. Indecent Liberties With a Child – formerly K.S.A. 21-3504
 - Agg. Indecent Solicitation of a Child – formerly K.S.A. 21-3511
 - Agg. Human Trafficking– formerly K.S.A. 21-3447, if the victim is less than 18 years of age
 - Sexual Exploitation of a Child – formerly K.S.A. 21-3516, if the victim is less than 14 years of age
 - Promoting Prostitution – formerly K.S.A. 21-3513, if the prostitute is less than 14 years of age
 - Any attempt, conspiracy or criminal solicitation of an offense defined in this section