

2015 JOURNAL ENTRY (JE) EXPLAINER

This **highlighted** document is intended to explain the changes to the forms that will go into effect on July 1, 2015. These changes are due in part to the passage of new legislation which will go into effect on that date, while some changes are the result of feedback received from those who use the forms.

Please note that unless specified, the statutory (K.S.A.) references are intended to direct the user to the most current version of the statute. If a K.S.A. 2015 Supp. is referenced, this law is already in effect as of July 1, even though the statute itself has not yet been published.

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- The date has been changed to be used for all crimes *committed* on and after July 1, 2015.

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- Section III.15. – U.S. Armed Forces Treatment has been expanded from last year to include in K.S.A. 2015 Supp. 21-6630 any injury that could be related to combat while in the U.S. Armed Forces. Previously restricted to veterans and mental illness, the legislation widens the scope to include any injury related to service in the U.S. Armed Forces while in a combat zone. The boxes included in the JE allow the court to check off each required item to determine whether treatment is a sentencing option, and then whether the court chooses to include it in the sentence by checking inpatient, outpatient or government provided treatment. This order is discretionary with the court, with the consent of the offender and is intended to provide services to the offender as a condition of probation. Please see K.S.A. 2015 Supp. 21-6630 for more information.
- Section IV.4. – Felony DUI & Test Refusal section is not affected by new legislation but has been rearranged to ease entry of the order as required by the statutes. Many options are available at sentencing for an offender and the updated version attempts to address these possibilities. While the jail sentence can be served in a myriad of ways, after that service, Post-Imprisonment Supervision (PIS) is mandatory for 12 months in all cases. **On the Journal Entry of Judgment form, it is not necessary to complete the Postrelease Supervision Term (Section IV.3.), Other Nongrid Felony and/or Misdemeanor (Section IV.5.), or Probation Term (Section IV.6.) as offenders are not placed on probation or postrelease supervision. As of July 1, 2011, after service of their jail term, which may include house arrest and work release, there is mandatory PIS of 12 months with either Court Services or Community Corrections.** See K.S.A. 8-1025(b)(3) and 8-1567(b)(3).
- Section IV.5. – Other Nongrid Felony section is not affected by new legislation but has been rearranged to add Misdemeanor sentence availability to the JE. Blanks for Hours and House Arrest have been added to assist in keeping most of the sentencing order in Box 5. Specific duration and placement agency regarding Probation should be entered in Section IV.6, if applicable.

- Section VI.2. - The Costs Ordered section has been modified due to human trafficking laws being amended to provide for special restitution rules for victims of those crimes. In [2015 SB 113](#), the court is now required to order restitution consistent with the new law if the offender is convicted of Human Trafficking, Aggravated Human Trafficking or Commercial Exploitation of a Child. Restitution is required to be ordered even if the victim is unavailable and will accrue to the Human Trafficking Victim Assistance Fund if not claimed by the victim within five years after entry of the order. K.S.A. 2015 Supp. 22-3424(d). Check the box to indicate this type of case and enter the restitution ordered on the Total Restitution line. **In all cases with restitution ordered, including those without human trafficking-related convictions, continue to enter all other restitution ordered on the Total Restitution line.**
- Section VI.2. - Other Costs and Conditions - Changes in treatment costs of the SB 123 program necessitated a change in the form to reflect the accurate average reimbursement cost of an assessment. The average assessment fee is \$175 rather than \$200 and the reimbursement fees increased to \$125 from \$100. The total fee remains \$300 if the offender is ordered into treatment. If not and the assessment is completed, only the \$175 assessment fee should be ordered.

JOURNAL ENTRY OF JUDGMENT ADDITIONAL OFFENSES

- Item 16 – U.S. Armed Forces Treatment has been expanded from last year to include in K.S.A. 2015 Supp. 21-6630 any injury that could be related to combat while in the U.S. Armed Forces. Previously restricted to veterans and mental illness, the legislation widens the scope to include any injury related to service in the U.S. Armed Forces while in a combat zone. The boxes included in the JE allow the court to check off each required item to determine whether treatment is a sentencing option, and then whether the court chooses to include it in the sentence by checking inpatient, outpatient or government provided treatment. This order is discretionary with the court, with the consent of the offender and is intended to provide services to the offender as a condition of probation. Please see K.S.A. 2015 Supp. 21-6630 for more information.

- Item 4 – Felony DUI & Test Refusal section is not affected by new legislation but has been rearranged to ease entry of the order as required by the statutes. Many options are available at sentencing for an offender and the updated version attempts to address these possibilities. While the jail sentence can be served in a myriad of ways, after that service, Post-Imprisonment Supervision (PIS) is mandatory for 12 months in all cases. **On the Journal Entry of Judgment form, it is not necessary to complete the Postrelease Supervision Term (Section IV.3.), Other Nongrid Felony and/or Misdemeanor (Section IV.5.), or Probation Term (Section IV.6.) as offenders are not placed on probation or postrelease supervision. As of July 1, 2011, after service of their jail term, which may include house arrest and work release, there is mandatory PIS of 12 months with either Court Services or Community Corrections.** See K.S.A. 8-1025(b)(3) and 8-1567(b)(3).
- Item 5 – Other Nongrid Felony section is not affected by new legislation but has been rearranged to add Misdemeanor sentence availability to the JE. Blanks for Hours and House Arrest have been added to assist in keeping most of the sentencing order in Box 5. Specific duration and placement agency regarding Probation should be entered in Section IV.6, if applicable.

SPECIAL RULES SUPPLEMENT

- Special Rule 26 – The reference to July 1, 2008 has been deleted from the form as it created confusion as to whether the prior possession crimes have to be committed on or after that date. This is not the case. The date was a starting time period that removed eligibility restrictions from the prior convictions to allow a presumptive imprisonment sentence. All prior convictions of possession of controlled substances may be considered for application of the sentencing rule regardless of that date of conviction.
- Special Rule 42 – Not new law, but a rule of criminal history calculation that as of July 1, 2015, Commercial DUI and Felony Test Refusal is added with DUI as a list of offenses that elevate previous convictions, adjudications and diversions of those offenses to **person** felonies when the current crime of conviction is Involuntary Manslaughter by DUI. K.S.A. 21-6811(c).
- Special Rule 44 – This is a *new rule* imposed by [2015 HB 2055](#) for the crime of Aggravated Battery while DUI. It provides for a rule of criminal history calculation that as of July 1, 2015, scores the first prior conviction, adjudication or diversion for DUI, Commercial DUI or Felony Test Refusal as a **nonperson** felony. Second and subsequent prior convictions, adjudications or diversions of these same offenses are scored as **person** felonies. K.S.A. 2015 Supp. 21-6811(c)(3).
- Special Rule 45 – This is a *new rule* imposed by [2015 HB 2048](#), which provides for presumptive prison where the underlying crime is Aggravated Criminal Damage to Property (Scrap Metal) and the offender has a prior conviction for any nonperson felony. The threshold loss for the crime is more than \$5,000. K.S.A. 2015 Supp. 21-6804(w).
- Special Rule 46 – This is not new law, but was recently added to the form. K.S.A. 2015 Supp. 21-6804(m) provides that the sentence for a violation of K.S.A. 22-4903 (Kansas Offender Registration Act) or K.S.A. 2015 Supp. 21-5913(a)(2) (Obstructing Apprehension or Prosecution by harboring, concealing or aiding any person required to register under the Kansas Offender Registration Act), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in K.S.A. 2015 Supp. 21-6804(q).

OFFENDER REGISTRATION SUPPLEMENT

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- This is not new law but K.S.A. 22-4906(i) provides that the court may order an offender to register for a crime not normally requiring registration but only for the duration of the diversion agreement, probation or juvenile offender sentencing order. Please mark the time required to register, if applicable.