

INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT
JOURNAL ENTRY OF JUDGMENT

The KSGA Journal Entry of Judgment must be on a form approved by the Kansas Sentencing Commission. K.S.A. 22-3426(d). This form must be used for all felony convictions for crimes committed on or after July 1, 1993. In addition, the court must forward a copy of the Journal Entry of Judgment, attached together with the Presentence Investigation Report including the Criminal History Worksheet to the Kansas Sentencing Commission within 30 days of sentencing. K.S.A. 22-3439(a).

The Journal entry form found in this manual must be used for all crimes committed on or after July 1, 2016, but prior to July 1, 2017.

COURT SEAL

The court's electronic seal may be placed anywhere on the top of the page.

SECTION I. CASE IDENTIFYING INFORMATION

1. TRANSACTION NUMBER

The Transaction Number is the number located at the top of the Kansas Adult Disposition Report form (KDR), (KBI form CCH-4).

2. STATE v.

Enter the offender's full name as it appears in the case caption and check the appropriate box indicating Male or Female.

3. COURT O.R.I NUMBER

Enter the District Court O.R.I. (i.e., the Originating Agency Identification) number. This nine-digit number, in the form XX XXX XX X X, is assigned by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation, and serves to identify all agencies having access to the national communications system. Questions concerning an assigned O.R.I. number should be addressed to the Central Repository located at the Kansas Bureau of Investigation.

4. K.B.I. NUMBER

The K.B.I. Number is the State Identification Number (SID) assigned to an individual by the Kansas Bureau of Investigation Central Repository upon the individual's first entry into the state criminal history record system. The basis for this number is the number contained on the individual's initial arrest fingerprint card. All subsequent records concerning such individual will be assigned this same number (i.e., it is the identification number listed on an Abstract of Record received from the Central Repository).

5. COUNTY

Enter the name of the county in which the present case was filed.

6. COURT CASE NUMBER

Enter the official district court Case Number in the present case. The case number should also be added at the **top of each** additional page where indicated.

Consolidation: If multiple cases were officially consolidated by the district court, only the Case Number that the other cases were consolidated into should appear on the Journal Entry of Judgment form. A separate Journal Entry of Judgment form must be used for each separate Case Number, and consolidated cases, even if the separate cases were sentenced on the same day in the same sentencing court. Orders of consolidation should be completed in both cases. PSI's should be prepared for both cases wherein the primary offense is indicated by Case and Count Number, as well as subsequent counts. Criminal history will generally not be scored against the other case(s) if the consolidation is ordered prior to sentencing. Journal Entries of Judgment should be prepared for each case at the time of sentencing as follows:

Section I. 6. Court Case number "12CRxxx" consolidated with "12CRxxx". Please indicate the primary case.

Section III. 1. Name of Primary Offense of Conviction: "Count 1 in 12CRxxx" etc. for each subsequent count, including misdemeanors if they are consolidated with the primary case.

7. SENTENCING JUDGE

Enter the name of the district judge who presided over the sentencing proceeding in the present case.

8. SENTENCING DATE

Enter the date that the sentencing court pronounced sentence in the present case.

9. TYPE OF DEFENSE COUNSEL

Check the applicable box. Please print the name of Counsel retained or assigned by the Court if applicable.

10. TYPE OF PROCEEDING (TRIAL)

Check the applicable box.

11. DATE OF CONVICTION

Enter the date that the offender was found guilty at trial, or following a plea of guilty or nolo contendere, or any other plea that results in a finding of guilt.

12. PRE-TRIAL STATUS OF OFFENDER

Check the applicable box.

SECTION II. CRIMINAL HISTORY CLASSIFICATION

1. OFFENDER'S OVERALL CRIMINAL HISTORY CLASSIFICATION AS FOUND BY THE COURT

Check the applicable box indicating the criminal history classification as it was determined by the district court at sentencing.

2. OBJECTION TO CRIMINAL HISTORY

Check “Yes” or “No” depending on whether either party objected to the criminal history classification as stated in the Presentence Investigation Report (PSI). If yes, then check whether the objection was made by the defendant or the State. If both parties objected, check both boxes.

Court’s Ruling on Objection

Indicate the Court’s ruling on the objection by checking whether the criminal history classification was, or was not, amended by the sentencing court.

SECTION III. CURRENT CONVICTION INFORMATION

1. NAME OF PRIMARY OFFENSE OF CONVICTION

Enter the descriptive name of the Primary Offense* (i.e., Attempted First Degree Murder, Possession of Cocaine, etc.). In this same box, enter the Count Number of the Primary Offense and the date the offense was committed.

If the crime has been designated as a Domestic Violence case, as determined in box #14, please check the appropriate box.

**The Primary Offense is generally the most serious offense of conviction. However, an off-grid crime shall not be used as the primary crime in determining the base sentence in multiple conviction cases. K.S.A. 2016 Supp. 21-6819. For more information, see the Multiple Convictions section of Chapter V.*

2. IF THE CRIME IS A DRUG OFFENSE

Check the box for the statute in which the drug is listed and write the name of the drug. If the drug crime is drug distribution or possession with intent to distribute, write the quantity of the drug as plead to, stipulated or determined by the trier of fact. If the crime was committed within 1,000 feet of school property, check the appropriate box.

3. K.S.A., TITLE, SECTION, SUBSECTION(S)

Enter the offense of conviction by the proper K.S.A. number including all applicable subsections. For example, a severity level 4, aggravated battery would be K.S.A. 2016 Supp. 21-5413(b)(1)(A). Also, if applicable, check the appropriate box indicating whether the offense involved an attempt, a conspiracy, or a solicitation.

4. GRADE OF OFFENSE

Check the appropriate box indicating whether the offense is a felony or a misdemeanor and insert the appropriate severity level of the felony or class rank of the misdemeanor. Check the appropriate box indicating whether the offense is a person or a nonperson offense. Criminal listings are located in Appendix D of this manual.

5. OFFENSE CATEGORY

Check the appropriate box indicating whether the offense is on the nondrug or the drug grid, or if it is an off-grid or a nongrid offense. Nongrid offenses only include felony DUI, felony Domestic Battery and felony Cruelty to Animals.

6. PRESUMPTIVE SENTENCING RANGE

The Presumptive Sentencing Range for the offense is represented by the three numbers in the KSGA drug/nondrug sentencing grid box corresponding to the severity level and the criminal history classification of the offense. Enter the grid numbers representing the “Aggravated,” “Standard” and “Mitigated” sentencing range within the grid box. The “Aggravated” number is the highest number in the grid box. The “Standard” number is the middle number in the grid box. The “Mitigated” number is the lowest number in the grid box. These numbers are entered as they are read, from left to right, in the grid box.

Check the appropriate box indicating whether the grid box for the offense is designated as a Presumptive Prison, Presumptive Probation, Border Box classification, Mandatory Prison as per K.S.A. 21-5703 (unlawful manufacture of a controlled substance), or Mandatory Drug Treatment (K.S.A. 2016 Supp. 21-6824, SB 123 nonprison sanction). If a special rule applies, check the special rule box, complete the Special Rules Supplemental page, and attach it to the Journal Entry of Judgment.

Page 2

CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

7. SPECIAL RULE APPLICABLE TO SENTENCE, IF ANY

Check the appropriate box indicating whether a special rule is applicable to the offense. If so, enter the number of the special rule and a brief description of the applicable rule here, then complete the Special Rules Supplemental Page and attach it to the Journal Entry. The numbers for the special rules are intentionally non-sequential for data coding purposes. **Please do not renumber them.** The numbers 7, 14 and 18 were assigned to rules that are no longer in use and will not be reassigned.

8. SEXUALLY MOTIVATED OFFENSE

8a. Check whether the sentencing court determined by a special finding, beyond a reasonable doubt, that the crime was sexually motivated. “Sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification. K.S.A. 2016 Supp. 22-4902(c)(15).

8b. Next, determine if the court found that the offense involved non-forcible sexual conduct, the victim was 14 years of age and the offender was not more than 4 years older than the victim.

8c. If YES to 8a and NO to 8b, complete the Offender Registration Supplement and attach to the Journal Entry.

9. AGGRAVATED HABITUAL SEX OFFENDER

Check whether the sentencing court determined that the offender is an Aggravated Habitual Sex Offender as defined by K.S.A. 2016 Supp. 21-6626. If yes, complete the Sex Crime Supplement

and attach it to the Journal Entry of Judgment. “Aggravated habitual sex offender” means a person who, on and after July 1, 2006, has been convicted in this state of a sexually violent crime, AND prior to such conviction, has been convicted of two or more sexually violent crimes. K.S.A. 2016 Supp. 21-6626(c).

10. CHILD SEX OFFENSES

Check whether the offender is being sentenced pursuant to K.S.A. 2016 Supp. 21-6627 (Jessica’s Law), if the current crime is a sex offense where the offender is 18 years of age or older and the victim is less than 14 years of age. If yes, complete the Sex Offender Supplement and attach it to the Journal Entry of Judgment.

11. DOWNWARD DEPARTURE FOR A CRIME OF EXTREME SEXUAL VIOLENCE

Check whether the sentencing court has imposed a downward departure from the sentencing guidelines as provided in K.S.A. 2016 Supp. 21-6818(a) for a crime of extreme sexual violence defined in K.S.A. 2016 Supp. 21-6815. If yes, complete the Sex Offense Supplement and attach it to the Journal Entry of Judgment.

12. PERSON FELONY COMMITTED WITH A DEADLY WEAPON

Check whether the defendant was convicted of a person felony and the court made a finding on the record that a deadly weapon was used in the commission of such person felony. K.S.A. 2016 Supp. 22-4902(e)(2). If yes, complete the Offender Registration Supplement and attach it to the Journal Entry of Judgment.

13. DRUG CONVICTIONS

Check whether the offender was convicted for a violation, or any attempt, conspiracy or solicitation, of these offenses:

- K.S.A. 2016 Supp. 21-5703, Manufacture of controlled substances;
- K.S.A. 2016 Supp. 21-5705(a)(1)* - Cultivation, distribution or possession with intent to distribute opiates, narcotics or any stimulant listed in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107; or
- K.S.A. 2016 Supp. 21-5709(a) - possession of precursors with intent to manufacture.

If yes, complete the Offender Registration Supplement and attach it to the Journal Entry.

**A conviction for any other substance listed in K.S.A. 21-5705(a)(2) through (a)(7) or subsection (b) DOES NOT require registration.*

14. DOMESTIC VIOLENCE CASE DESIGNATION (See K.S.A. 2016 Supp. 22-4616 and 22-4617)

14a. Check whether the trier of fact found that the defendant committed a domestic violence offense, as defined in K.S.A. 2016 Supp. 21-5111(j).

14b. Determine whether the court found that the offender **did not** have any previous domestic violence convictions or diversions and that the current offense **was not** committed to coerce, control, punish, intimidate or take revenge on the victim.

If “YES” to 14a. and “NO” to 14b., check the DV Case box below. The case will be given the Domestic Violence Case Designation. If you check the DV Case box in this section, also check the domestic violence designation box on the first page of the Journal Entry in Section III, No. 1.

15. U.S. ARMED FORCES TREATMENT ELIGIBILITY

15a. Check this box if the Kansas Commission on Veterans Affairs (KCVA) has certified that the offender served in the armed forces of the United States in a combat zone.

15b. Check this box if the offender suffered and injury that was connected to service in a combat zone in the armed forces of the United States. Injury is defined in K.S.A. 2016 Supp. 21-6630.

15c. Check this box if the offender's current crime of conviction places the offender in a presumptive probation grid box.

If the answer to all of the above questions is YES, and the court orders treatment pursuant to K.S.A. 2016 Supp. 21-6630, then check the appropriate boxes for inpatient, outpatient, or government provided treatment.

If the court determines that such defendant meets the criteria provided above but is ineligible for treatment at facilities operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard and such defendant meets the requirements established in K.S.A. 2016 Supp. 21-6824 (SB 123), the provisions of K.S.A. 2016 Supp. 21-6824 shall apply.

SECTION IV. SENTENCE IMPOSED

1. GUIDELINE RANGE IMPOSED

Check the appropriate box indicating whether the sentence pronounced by the sentencing court for the offense is the "Aggravated," "Standard," or "Mitigated" number within the grid box, or whether the sentence is a "Departure" from the presumptive range. If the sentence imposed constitutes a departure sentence, check the departure box **ONLY** and complete Section V - Departure Information.

2. PRISON TERM

Enter the number of months of imprisonment pronounced and check the appropriate box indicating whether the prison sentence is imposed **OR** whether it is a prison term underlying a probation sentence. Underlying with KDOC Drug Treatment Program (min. 120 days), while authorized by statute, has never been funded and is not, therefore, an available option.

Indicate crimes with an Enhancement Sentence - Drug w/ Firearm or Ballistic Resistant Material - by checking the appropriate box. **Please be sure to also mark applicable special rules on the Special Rules Supplemental Page.**

Carrying a firearm to commit a drug felony or possessing a firearm in furtherance of a drug felony carries a sentence enhancement of 6 months imprisonment, which shall be presumptive imprisonment. Be sure to also check Special Rule 32. K.S.A. 2016 Supp. 21-6805(g)(1)(A).

If the firearm is discharged, a sentence enhancement of 18 months imprisonment applies. The enhancement shall be presumptive imprisonment. Be sure to also check Special Rule 33. K.S.A. 2016 Supp. 21-6805(g)(1)(B).

Wearing or using ballistic resistant material during the commission of, attempt to commit, or flight from a felony carries a sentence enhancement of 30 months. The enhancement is presumptive prison and must be served consecutively to any other sentence imposed. Be sure to also check Special Rule 36. K.S.A. 2016 Supp. 21-6804(t).

If the sentence is Life Imprisonment for an off-grid crime, check the appropriate box. If the Life Imprisonment sentence includes a mandatory minimum term before parole eligibility, check the appropriate box. If a sentence of death has been imposed, check the Death Penalty box.

The mandatory minimum sentence for certain offenders will not apply if the court finds that the defendant is subject to a guidelines sentence that is greater than the mandatory minimum. K.S.A. 2016 Supp. 21-6620, 21-6623 and 21-6627(a)(2)(B) and (b)(2)(B). In other words, the offender's length of sentence will either be the mandatory minimum or the guidelines sentence, whichever is greater. If the guidelines sentence is greater than the mandatory minimum, mark the box "Guidelines Sentence Exceeds Mandatory Minimum" and write the length of the guidelines sentence in the provided space.

3. **POSTRELEASE SUPERVISION TERM**

If prison term is given, postrelease or parole period must be given. Check the appropriate box indicating the term of postrelease supervision or parole imposed for the offense. K.S.A. 2016 Supp. 22-3717(d)(1)(A), (B), (C). If a 60-month term of postrelease supervision has been imposed, this constitutes a departure, and **Section V** of the Journal Entry must be completed.

For more information on Postrelease Supervision, please see Chapter X.

4. **FELONY DUI & TEST REFUSAL**

For convictions of 3rd or 4th or subsequent DUI, or 2nd or 3rd or subsequent Test Refusal, mark the box for the appropriate conviction and then write the total length of the jail term imposed. If the offender is released prior to service of the total jail term, indicate by checking the box relating to release and indicate the appropriate months, days or hours required to be served. If work release or house arrest is ordered, check the respective box and indicate the appropriate months, days or hours. For example, an offender is sentenced to 12 months (total sentence) but is ordered to be released after service of 48 or 72 hours in jail (release check box and time). After service of the requisite time, the offender may be placed on work release or house arrest for a minimum of 2,160 hours confinement (complete work release or house arrest check box and include the time ordered on the supervision). Offender is then placed on Post-Imprisonment Supervision for a mandatory one year time period. **Be sure to mark the appropriate box on the Special Rules Supplemental Page (either #6 or #39).**

After the jail term, every offender is required to serve a mandatory 12-month period of Post-Imprisonment Supervision. Indicate whether this will be supervised by either Court Services or Community Corrections. Please note that Post-Imprisonment Supervision for DUI and Test Refusal is distinct from probation and postrelease supervision. Under the Recap of Sentence on Page 4, be sure to mark Box #3, "DUI or Test Refusal Post-Imprisonment Supervision." See K.S.A. 2016 Supp. 8-1567(b)(3) and 8-1025(b)(3).

If the defendant is allowed to serve a portion of their jail sentence in a work release program, mark the appropriate box.

If a child under the age of 14 was in the vehicle at the time the offense was committed, mark the box for the mandatory additional one month of jail time and include this time when indicating the length of the jail term imposed. See K.S.A. 2016 Supp. 8-1567(c) and K.S.A. 2016 Supp. 8-1025(c).

The sentencing options for felony DUI and Test Refusal are contained specifically in this section. **It is not necessary to complete the Probation Term portion of the journal entry in Section IV, #6 as offenders are not placed on probation** and are instead required to serve Post-Imprisonment Supervision after completing their jail term.

5. NONGRID FELONY TERM AND MISDEMEANORS (JAIL)

For other nongrid felonies, such as Domestic Violence, Animal Cruelty and misdemeanors, mark the box for the appropriate conviction and then write the length of the jail term imposed. For more information on these offenses, please see K.S.A. 2016 Supp. 21-5414, 21-6412 and 21-6416.

If probation is granted after serving the mandatory jail term, check the appropriate box and write in the length of the probation period imposed in Section IV, 6. Be sure to mark the appropriate box on the Special Rules Supplemental Page.

If the defendant is allowed to serve a portion of their jail sentence in a work release or house arrest program, mark the appropriate box, indicating the appropriate length of sanction.

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CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

6. PROBATION TERM (IF GRANTED)

If the sentencing court grants probation, check the appropriate box indicating the length of probation.

If the sentence is SB 123 Drug Treatment pursuant to K.S.A. 2016 Supp. 21-6824, check this box. The period of drug treatment pursuant to K.S.A. 2016 Supp. 21-6824 is separate from the statutory term of probation provided under K.S.A. 2016 Supp. 21-6608 for drug severity level 5 offenders. If the court imposes a length of probation other than 18 months, mark the appropriate box in addition to the Drug Treatment box.

If the probation period has been extended, check the appropriate box and write in the length of the sentence.

Check the appropriate box indicating whether the probation supervision is with Court Services, Community Corrections, or Unsupervised.

If the sentencing court imposes county jail time as a condition of probation, enter the number of days. The court may impose up to 60 days in jail pursuant to K.S.A. 2016 Supp. 21-6604(a)(3). This is a separate provision from the jail sentences imposed for nongrid offenses in box #4.

“Assigned to Correctional Conservation Camp” per K.S.A. 2016 Supp. 21-6604(g), while authorized by statute, is no longer funded and is, therefore, no longer an available option.

Court Services Officers and Community Corrections Officers have the ability to impose a 2 or 3-day jail sanction upon felony offenders who violate a condition of their probation, unless the sentencing court specifically withholds this authority. K.S.A. 2016 Supp. 21-6604(s) and (t) and 22-3716(b)(4). If the court chooses to withhold this authority, check the box for this option.

Supervising Officers also have the ability to impose a 2 or 3-day jail sanction for misdemeanor offenders on probation.

SECTION V. DEPARTURE INFORMATION

1. TYPE OF DEPARTURE

Check each of the appropriate boxes indicating whether the departure was a Downward Durational, Upward Durational, Downward Dispositional, Upward Dispositional, or Postrelease Supervision (sex offense). Check each box that applies.

2. REASONS CITED AS A BASIS FOR DEPARTURE

Enter the reasons upon which the sentencing court relied upon in departing from the presumptive sentence and/or in departing on the postrelease supervision for a sex offense.

SECTION VI. OTHER CONDITIONS

1. GENERAL/SPECIAL CONDITIONS OF PROBATION

Attach the sentencing court’s Order of Probation to the Journal Entry of Judgment form in any cases where the offender has been granted probation.

2. COSTS ORDERED

Enter the total amount of Restitution, probation fees, Court Costs, Fines, BIDS (Board of Indigent Defense Services), KBI Fees, SB 123 Offender Reimbursements, and other fees ordered by the sentencing court. If any additional fees are ordered and not listed here, enter these fees in the “Other” spaces provided.

For more information see the Fines and Fees sections of Chapter V.

3. RESTITUTION

Enter the amount, name, and address of any party to whom restitution is to be paid.

CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

SECTION VII. RECAP OF SENTENCE

1. SENTENCE IMPOSED

The recap is the sum total of the sentence, or underlying months; including any consecutive and/or additional offenses imposed in the case.

- If the sentence is to prison (KDOC), enter the total prison term imposed.
- If a county jail term is imposed, enter the total jail term in the space provided.
- In multiple count cases, if a prison term is imposed and a jail term is imposed but is to run consecutive to the prison term, check the box indicating such.
- If probation is granted, enter either the term of imprisonment or jail term underlying the probation, whichever is applicable.

For example, an offender has a case with 5 counts. The sentences for each count are as follows:

Count 1 = 12 mo. KDOC

Count 2 = 10 mo. KDOC consecutive to Ct. 1

Count 3 = 10 mo. KDOC concurrent to Cts. 1 & 2

Count 4 = 12 mo. County jail consecutive to Cts. 1, 2 & 3

Count 5 = 12 mo. County jail concurrent to Cts. 1, 2, 3 & 4

In the Recap you would enter:

Total Prison Term (if sentenced imposed is to prison): 22 mos

Total County Jail Term: 12 mos X Consecutive to prison term

Total Underlying Jail term (if sentence is imposed is probation):

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

Please include additional comments or explanations as necessary.

Check the box indicating that for each count, the Court pronounced the complete sentence, including the maximum potential good time percentage.

SECTION 2 and 4 SHOULD NOT BE COMPLETED IF THE SENTENCE IS FOR A DUI 3RD OR SUBSEQUENT, CRIMINAL REFUSAL 2ND OR SUBSEQUENT CHARGE.

2. POSTRELEASE SUPERVISION TERM

Check the appropriate box indicating the term of postrelease supervision or parole that may be imposed for the offense.

In a multiple conviction case, use the conviction which carries the longest postrelease supervision period that may be imposed and check the appropriate box. If one of the offenses of conviction is an off-grid crime, the supervision term is based on the off-grid crime.

For more information on Postrelease Supervision, please see Chapter X.

3. **DUI OR TEST REFUSAL POST-IMPRISONMENT SUPERVISION**

If the conviction is for a 2nd or subsequent Test Refusal, K.S.A. 2016 Supp. 8-1025, or a 3rd or subsequent DUI, K.S.A. 2016 Supp. 8-1567, a mandatory 12 month period of post-imprisonment supervision is required. This supervision is distinct from postrelease supervision for other offenses. Check the box to indicate whether the supervision entity will be court services or community corrections. Any jail term that is imposed may be indicated in Section VII.1. of the Recap of Sentence.

4. **PROBATION PERIOD**

In probation cases, restate the probation term imposed by the sentencing court by checking the appropriate box indicating the months. If the offender is assigned to SB 123 Mandatory Drug Treatment, check the appropriate box. Enter the term of months imposed for Extended Period probation pursuant to K.S.A. 2016 Supp. 21-6608(c) or (c)(5).

5. **INCARCERATION CREDIT**

The “sentence begins date” is the date of sentencing less the number of days of incarceration credit actually granted by the sentencing court. This section must be completed to prevent complications for the court, the Kansas Department of Corrections, and others. Failure to complete this may result in the need for an Amended Journal Entry of Judgment to be prepared.

Enter the location code to indicate the type of location where the offender may have earned jail credit and then enter the date range and corresponding number of days for which incarceration credit may potentially be awarded. Do this for each separate period of time for which the offender may be awarded credit. For each date range check whether credit was “A,” actually awarded by the court, or “N,” not awarded by the court. If these are not clearly marked it cannot be entered. Listing the amount of days only is not acceptable.

Enter the sentencing date and subtract the “Total Number of Days of Credit Actually Awarded” as determined by the sentencing court, to determine the “Sentence Begins” date.

For consolidated cases, please enter the grand total of jail credit days awarded for ALL cases.

CONSOLIDATION: If multiple cases are consolidated by the court, all case numbers should be listed in Section I, #6, with the PRIMARY case indicated. A separate Journal Entry of Judgment form (JE) must be used for each separate Case Number that is consolidated with the primary case. All cases should have their own JE, including misdemeanor cases, with felony PSI’s and Criminal History included with felony offenses. All counts other than the primary offense in the primary case will use Criminal History I. A JE should be prepared for each case at the time of sentencing as follows:

Section I. 6. Court Case Number “12crxxx” consolidated with “12crxxx”. Please indicate primary case.

Section III. 1. Name of Primary Offense of conviction: “Court 1 in 12crxxx” etc. for each subsequent count including misdemeanors if they are consolidated with the primary.

NOTE: The RECAP page on each case should reflect the grand total of ALL prison terms/underlying prison terms/jail terms for ALL cases consolidated. These pages should be identical in the amount of prison/underlying prison/jail time ordered.

NOTE: The PRIMARY case should reflect ALL combined jail credit totals from ALL consolidated cases for a grand total of ALL jail credit actually awarded.

6. PRIOR CASES TO WHICH THE CURRENT SENTENCE IS TO RUN CONCURRENT OR CONSECUTIVE

Enter the Case Number, the County of Conviction, and the Sentence Length of each prior case to which the sentencing court has ordered the sentence in the current case to run either concurrent or consecutive, and check the box indicating whether the prior case is concurrent or consecutive to the sentence in the current case.

7. MISCELLANEOUS PROVISIONS

Use this space as necessary to record any additional orders/findings of the sentencing court that are not covered by other sections in the Journal Entry of Judgment, but for which the court desires to be stated in the Journal Entry.

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CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

8. BORDER BOX FINDINGS

If the current crime falls in a border box on either grid, and the court grants a nonprison sentence, check the boxes indicating the sentencing court's findings, if appropriate.

9. MOTION FOR A NEW TRIAL

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender's motion for a new trial, either prior to or at sentencing. If no such motion is made, leave this section blank.

10. MOTION FOR JUDGMENT OF ACQUITTAL

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender's motion for judgment of acquittal, either prior to or at sentencing. If no such motion is made, leave this section blank.

11. MOTION FOR ARREST OF JUDGMENT

If such motion is made, check the appropriate box indicating whether the sentencing court granted or denied the offender's motion for arrest of judgment, either prior to or at sentencing. If no such motion, leave this section blank.

12. ADDITIONAL COMMENTS

Enter any additional orders/findings of the court that are not covered by other sections in the Journal Entry of Judgment.

SECTION VIII. SIGNATURES

1. JUDGE'S SIGNATURE

Provide signature or stamp of the Sentencing Judge as well as printed name and indicate the date the journal entry was signed or stamped by the judge.

2. PROSECUTING ATTORNEY

Enter the signed and printed name of the prosecuting attorney, Supreme Court number of the prosecuting attorney, date the journal entry was signed by the prosecuting attorney and the prosecuting attorney's address and phone number.

3. DEFENSE ATTORNEY

Enter the signed and printed name of the defense attorney, Supreme Court number of the defense attorney, date the journal entry was signed by the defense attorney and the defense attorney's address and phone number.

SUPPLEMENTAL PAGES

(To be completed only when applicable)

KSGA JOURNAL ENTRY OF JUDGMENT FOR ADDITIONAL OFFENSES

CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

COUNT

Please indicate the count for additional offenses on the top of each page.

1. NAME OF ADDITIONAL OFFENSE OF CONVICTION

Please also indicate which count this is, as well as the date of this offense.

The instructions for completion of the supplemental pages for additional offenses of conviction are identical to that of the Journal Entry of Judgment with the exception that the supplemental pages require indication of whether the sentence for each additional crime is to be served concurrent or consecutive to the others. The instructions for that particular question are as follows:

2. IF THE CRIME IS A DRUG OFFENSE

Check the box for the statute in which the drug is listed and write the name of the drug. If the drug crime is drug distribution or possession with intent to distribute, write the quantity of the drug and, if the crime was committed within 1,000 feet of school property, check the appropriate box.

3. SENTENCES CONCURRENT OR CONSECUTIVE

Check the appropriate box indicating whether the sentencing court ordered the offenses to run either concurrent or consecutive to any other offense, and enter the Count number in which the other offense that the sentence was ordered to either run concurrent or consecutive to. Pursuant to K.S.A. 2016 Supp. 21-6819(b)(1), the sentencing judge shall have the discretion to impose a

consecutive term of prison other than the primary crime of any term of months not to exceed the nonbase sentence. Enter the number of months for the consecutive nonbase count.

SPECIAL RULES SUPPLEMENT

CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

If a special rule applies to the current case, check the box corresponding to the applicable special rule and attach this page to the Journal Entry of Judgment. (Note: The numbers for the special rules are intentionally non-sequential for data coding purposes. ***Please do not renumber them.*** The numbers 7, 14, and 18 were assigned to rules that are no longer in use and they will not be reassigned.)

In cases where an “Extended Jurisdiction Juvenile” sentence has been imposed by the court pursuant to K.S.A. 2016 Supp. 38-2347 and Supp. 38-2364, a felony Journal Entry of Judgment form is to be submitted to the KSC and the box for the “Extended Jurisdiction Juvenile Imposed” (Special Rule 11), should be checked.

SEX OFFENSE SUPPLEMENT

CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

SECTION A. - Aggravated Habitual Sex Offender

Check whether the sentencing court determined that the offender is an Aggravated Habitual Sex Offender as defined by K.S.A. 2016 Supp. 21-6626. If yes, check the box in Section A of the Sex Offense Supplement and attach it to the Journal Entry.

SECTION B. – Child Sex Offenses

Check whether the offender is being sentenced pursuant to K.S.A. 2016 Supp. 21-6627 for a sex offense wherein the offender is 18 years of age or older and the victim is less than 14 years of age. If yes, complete Section B of the Sex Offense Supplement and attach it to the Journal Entry.

First Offense – The court may choose to depart downward to a guidelines sentence rather than sentence to a mandatory minimum. If the court chose to depart downward, check the appropriate box indicating such and complete Section V of the Journal Entry (Departure Information). An off-grid sex offense, in which a departure to the Sentencing Guidelines is granted, includes a lifetime postrelease supervision term. *State v. Ballard*, 289 Kan. 1000, 218 P.3d 432 (2009).

If the sentencing court does not choose to depart downward, check the remaining box indicating that the sentence is a “mandatory minimum of Hard 25 years (300 months) or _____ months pursuant to the sentencing guidelines, given the offender’s criminal history.” Then, determine the potential guidelines sentence for the offender’s criminal history, and enter the number of months from the appropriate guidelines grid box in the space provided. The offender’s sentence

will be for either the Hard 25 years (300 months) or the guidelines sentence, whichever is greater. K.S.A. 2016 Supp. 21-6627(a)(2)(B). Upon release by the Prisoner Review Board, the offender shall be placed on parole for life and be subject to lifetime electronic supervision. K.S.A. 2016 Supp. 22-3717(u).

Second Offense – Check this box if the current crime is the offender’s second sex offense involving a victim less than 14 and the offender was 18 or older at the time the crime was committed. Calculate the potential guidelines sentence and insert the number of months into the blank provided. The sentence will be for the mandatory minimum of a Hard 40 years (480 months) or the number of months pursuant to the sentencing guidelines, whichever is greater. K.S.A. 2016 Supp. 21-6627(b)(1)(B). Upon release by the Prisoner Review Board, the offender shall be placed on parole for life and be subject to lifetime electronic supervision. K.S.A. 2016 Supp. 22-3717(u).

SECTION C. - Downward Departure for a Crime of Extreme Sexual Violence

Please check whether this duration departure is limited to 50% of the middle of the sentencing range.

SECTION D. - Sexually Violent Crime

A conviction of a sexually violent crime, other than a Jessica’s Law Offense, includes a lifetime postrelease supervision term. K.S.A. 2016 Supp. 22-3717(d)(1)(G).

OFFENDER REGISTRATION SUPPLEMENT

Check the appropriate boxes on these two pages indicating the reason the offender is required to register and the length of time pursuant to the Kansas Offender Registration Act, K.S.A. 2016 Supp. 22-4901 et seq. and attach the supplement to the Journal Entry of Judgment.

CASE NO. (Top of all pages)

Please indicate the case number for this Journal Entry.

PAGE 1 – REGISTRATION REQUIREMENT

OFFENDER REQUIRED TO REGISTER BY COURT ORDER

Check the box to indicate whether the offender is being required to register by court order for a crime for which registration is not otherwise required.

AGE OF VICTIM

The age of the victim must be documented in the Journal Entry. Write this in the provided space.

OFFENDER REQUIRED TO REGISTER DUE TO:

- SEX OFFENDER STATUS**
- VIOLENT OFFENDER STATUS**
- DRUG OFFENDER STATUS**

Check the appropriate box or boxes to indicate whether the offender has been convicted of any of the crimes as listed.

PAGE 2 - REGISTRATION TERMS

Check the appropriate box to indicate the length of the offender's registration requirement as listed.