

2019 JOURNAL ENTRY OF PROBATION VIOLATION (PVJE) EXPLAINER

This **highlighted** document is intended to explain the changes to the forms that will go into effect on July 1, 2019. 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. 2019 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 year in the title has been changed to 2019 and is to be used for any probation violation hearing occurring on or after July 1, 2019 for any probationer. This is in contrast to the use of the PSI and JE, which are tied to the date of offense.
- Section II.12. - K.S.A. 21-6608 is updated to reflect the current statutory subsection. Probation extended period clarified with language, “(Up to 60 months or maximum prison sentence)”, which states the total period in all cases shall not exceed 60 months, or the maximum period of the prison sentence that could be imposed, whichever is longer.

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- Section III. **VIOLATION SANCTION HISTORY** – In column one as it relates to K.S.A.22-3716(c)(1)(B), language has been reworded to document the county jail sanction in that statute that has previously been imposed in 2- or 3-day consecutive periods, sometimes referred to as “quick dips.”
- Section III. **VIOLATION SANCTION HISTORY**– In column two beneath prior 180 day sanction, a new check box is added to document previously ordered jail sanctions pursuant to K.S.A. 2019 Supp. 22-3716(c)(9), which allows the court to impose confinement not to exceed 60 days per violation.
- Section IV.1. **DISPOSITION OF THIS VIOLATION HEARING** – Statute relating to county jail sanction is updated with the amended subsection due to 2019 SB 18.
- Section IV.1. **DISPOSITION OF THIS VIOLATION HEARING** - KDOC prison sanctions check boxes for 120 day and 180 day sanctions will remain as a disposition with the admonition that they are not applicable if the original date of offense occurs on or after July 1, 2019. SB 18 eliminated the 120 day and 180 day sanctions. However, the legislature did not address the ability to sanction an offender to a 120 day or 180 day sanction, when the original date of offense was prior to July 1, 2019.
- Section IV.1. **DISPOSITION OF THIS VIOLATION HEARING** – Under K.S.A. 22-3716(c)(7), revocation options divided and additional check boxes were added to more easily note reasons for revocation.

“Absconding”, “committed new crime”, “public safety” and “offender welfare finding” were separated and a check box was added for an additional finding of “original sentence result of dispositional departure”. “Public safety” option also adds “(state reasons in comment box)”.

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- Section V. **SIGNATURES** - Check box and “Submitted for Electronic Signature” is added to Judge’s Signature block: The purpose of the signature block is to notify reader if the document was electronically signed through e-flex and, if so, an additional page will be present with the electronic signature.