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**January 2012**

***Have you ordered yours?***

**2011 Kansas Sentencing Guidelines  
 Desk Reference Manual (DRM)**

Hon. Ernest L. Johnson, Chair  
 Hon. Richard M. Smith, Vice Chair  
 Scott M. Schultz, Executive Director



[www.kansas.gov/ksc](http://www.kansas.gov/ksc)

This popular “tool” is available in a manual, or CD. It is also on our [web site](#).  
[Fill out this order form](#) and send your payment with the form to us. Thank you.

**2012 Legislative Update**

**Proposed Changes to Affect SB 123 Program and  
 Drug Sentencing Grid**

**Inside this issue:**

<a href="#">Senate Bill 123 News</a>	2
<a href="#">FY2012 KDOC Inmate Classification Projections</a>	2
<a href="#">2012 Prison Population Projection Report</a>	2
<a href="#">Journal Entry of Judgment News—</a>	3
<a href="#">Kansas Criminal Justice System Resource Directory</a>	4
<a href="#">Kansas Sentencing Guidelines Desk Reference Manual News</a>	4

On January 30, a bill was introduced in the Senate to modify the SB 123 nonprison sanction program and expand the probation and border boxes of the drug grid. Although anticipated shortly, the bill has not yet received a number.

At its regularly scheduled meeting on January 27, the Commission passed a legislative proposal that recommends the SB 123 program under K.S.A. 2011 Supp. 21-6824, be modified to reflect the use and importance of evidence-based practices. Based on information received by the Commission at the 2011 Kansas Sentencing Commission Workshop and recommendations from Marshall Clements of Council of State Governments Justice Center and Kristin Bechtel of Crime and Justice Institute, validated research demonstrates that over-supervision of low risk offenders increases recidivism rather than decreasing it. The recommendations further support evidence that the most intense and costly programming and treatment should be focused on offenders that present a moderate or high risk to offend rather than those offenders with low risk or need. In response to this data, the Commission proposed that each SB 123 offender receive a paid assessment with SB 123 funds. Mandatory treatment is not required for low risk and low need offenders and will not be funded by the SB 123 program. To that end, all SB 123 offenders that are assessed at LSI-R Level IV will not have mandatory or funded treatment. LSI-R Level I-III offenders with low designated Substance Abuse Subtle Screening Inventory (SASSI) scores will not receive mandatory or funded treatment. LSI-R Level I-III offenders with high designated scores on the SASSI will receive paid mandatory treatment. If the offender scores low on the SASSI regardless of the LSI-R Level, the offender will not have mandatory treatment or be funded by the SB 123 program.

The proposed legislation also modifies the drug sentencing grid. The Commission agreed to recommend extending the Presumptive Probation Box on Drug Severity Level 4 to C-D while extending the Border Box on Drug Severity Level 3 to C-D. This modification will make the drug grid consistent or more proportional with the current nondrug grid.



**2003 Senate Bill 123**  
**K.S.A. 2011 Supp. 21-6824**  
**(formerly K.S.A. 21-4729)**  
 Provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population on non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp 21-5706. (formerly K.S.A. 21-36a06)

**GOAL:** To provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

**SB123 questions—**  
 Please email Jennifer Dalton,  
[jenniferd@sentencing.ks.gov](mailto:jenniferd@sentencing.ks.gov)  
 or call with any questions.

## January Case Law Updates

Kansas Sentencing  
 Commission News

[State v. Guder](#), No. 101632, January 27, 2012 - Kansas Sentencing Guidelines Act does not grant district courts the authority to modify sentences following remand unless the primary conviction was reversed on appeal.

[State v. Jones](#), No. 104018, January 20, 2012 - Illegal sentence imposed by district court when it departed from the sentence of life imprisonment that was prescribed in K.S.A. 21-4643(a) (Jessica's Law) without proceeding to the Kansas Sentencing Guidelines Act grid box corresponding to the crime of conviction and the defendant's criminal history.

## FY 2012 KDOC Inmate Classification Projections

The custody classification projection addresses the types of beds that the state needs for the total number of beds projected in the baseline projection. This includes the number of maximum, medium high, medium low, minimum, special management and unclassified beds needed to accommodate the inmate population.

[View the report](#)

## 2012 Prison Population Projection Report

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population. Thank you for your contribution.

[View the report.](#)

## Senate Bill 123 News

### A Friendly Reminder- SB 123 Offender Reimbursement- \$300

As it is noted on the PSI, and the JE, (where costs are proposed and ordered)

**Please try to collect at least \$300.**

*Thank you for your efforts.*





### Kansas Sentencing Commission

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#### Did you know...

You can E-mail your Journal Entry (JE), Probation Revocation, or PSI forms to us as an alternative to mailing them?

Just like everyone these days, we are always looking for ways to cut costs. Save paper and postage!

E-mail to:

[chrisc@sentencing.ks.gov](mailto:chrisc@sentencing.ks.gov)

## Journal Entry of Judgment (JE) and PSI News

It is important for us to keep you informed and provide you with forms containing the most current changes.

The JE and PSI have been provided with many separate documents all together for years. We have separated the JE and the PSI forms to provide individualized documents for times when no extra forms are needed (example: Special Rules page, Addition Offenses, Offender Registrations, etc.)

Separating these documents will also provide options when extra forms are all you need.

To access the form(s) of your choice...

[Click here](#)

#### Revised Forms 8/2011:

- Journal Entry of Judgment (JE)
- Probation Revocation
- Presentence Investigation (PSI)

Due to the many **NEW** changes made in the forms– there are **highlighted versions** to show what, where and how things changed.

We also provide the

#### [KBI Offender Registration Forms](#)

These can also be found on our web site.

### Offender Registration Requirement K.S.A. 2011 Supp. 22-4902

Under the new Act the court sentencing an offender subject to the Act must not only inform the offender of the registration requirements but also, when that offender is granted some form of probation, see that the initial registration forms are completed. To get forms - [click here](#)

#### \*Please note\*

**When completing JE and PSI's please include the ENTIRE statute number**

**- including subsections**

**Similar offenses are separated by these subsections**

Example:

**21-5705(a)(1)(c)(1) - (formerly 21-36a05(a)(1)) Drugs; Cultivate, distribute, or possess w/ intent to distribute opiates, cocaine, meth, narcotics and the like.**

**REGISTRATION REQUIRED!**

**21-5705(a)(2)(c)(1) - (formerly 21-36a05(a)(2)) Drugs; Cultivate, distribute, or possess w/ intent to distribute marijuana, depressant, stimulants and the like.**

**NO REGISTRATION required!**

Please contact Carrie Krusor if you have **ANY** questions (785) 296-0923.

Thank You!



## Kansas Criminal Justice System Resource Directory

### A Message to Entities Referenced in the Kansas Criminal Justice System Resource Directory-

The staff of the Kansas Sentencing Commission hopes the Resource Directory will be a valuable aid to you and your staff. Every effort has been made to ensure complete and accurate information. In order to maintain maximum efficiency of this directory, please keep us apprised of updates by emailing changes to: [office@sentencing.ks.gov](mailto:office@sentencing.ks.gov).

If **your** information in this **Resource Directory** has changed, please use this **revision form** to let us know.

**Thank you to those who help us keep your information accurate!**

\*There have been numerous changes in a variety of places.\*  
Please feel free to print your own copy.

\*We will be updating this directory quarterly now.\*  
The next update will be April 2012



## Kansas Sentencing Guidelines Desk Reference Manual (DRM)



### The Kansas Sentencing Commission Desk Reference Manual ...

provides general instructions for application of the provisions of the Kansas Sentencing Guidelines Act (KSGA) K.S.A. 21-4701 *et seq.* The Manual contains features that we hope will not only inform users of the latest developments in sentencing law 2010, but also help to facilitate more efficient understanding and application of the law.

Please check to see the current rate for **your** city or county -

[2012 Sales Tax Rates](#)

**2010 Desk Reference Manual (DRM)**  
**[To order yours!](#)**  
(Please send payment with the order form.)



**... [order yours!](#)**

Mail completed form with your payment.  
Delivery occurred mid January.  
Thank you again for your patience!

We will continue to provide you with information and changes as necessary.

To remove your name from our mailing list, please [click here](#).  
Questions or comments? E-mail us at [sentencing@sentencing.ks.gov](mailto:sentencing@sentencing.ks.gov)  
We welcome your questions – call us at 785-296-0923