



700 SW Jackson, Suite 501
Topeka, Kansas 66603
O: (785)296-0923
F: (785)296-0927

April 2013

Quarterly E-newsletter

Hon. Richard M. Smith, Chair
Hon. Evelyn Z. Wilson, Vice Chair
Scott M. Schultz, Executive Director



www.sentencing.ks.gov

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KSC is pleased to provide a New Web Site.

www.sentencing.ks.gov

Commission Welcomes New Appointment



John J. Rubin received a B.A. degree magna cum laude from Boston College in 1970, and a juris doctorate degree from Washington University in 1973. He is an attorney and arbitrator. He has a long and distinguished public service career, including active duty service as a Navy JAG officer from 1973-1976; Assistant Regional Counsel for the Federal Bureau of Prisons and Attorney at the U.S. Penitentiary in Leavenworth from 1982-1985 (qualifying for this position by graduating first in his class from the Federal Law Enforcement Training Center in Glynco, Georgia); FDIC senior litigator and Regional Counsel, from 1985-1994; and U.S. administrative law judge from 1994-2004.

John currently represents the 18th District (Shawnee, KS) in the Kansas House of Representatives, having been first elected in 2010, and re-elected in 2012. This term, he is author and lead sponsor of the Second Amendment Protection Act, a House concurrent resolution on judicial selection reform, and numerous other measures protecting personal freedom and liberty guaranteed by the U.S. and Kansas Constitutions.

Last term, Rep. Rubin co-sponsored and carried the House floor fight for the Health Care Freedom Amendment (anti-Obamacare), the Secure and Fair Election (voter photo ID) Act, concealed carry rights in public buildings, and illegal immigration reform measures, among other legislative accomplishments. Rep. Rubin currently chairs the House Corrections and Juvenile Justice Committee and also serves on the House Judiciary and Pensions and Benefits Committees.

John and his wife of 40 years, Roberta, have two grown daughters and two grandchildren.

☀ Staff Attorney Position ☀

Kansas Sentencing Commission is accepting applications for the Staff Attorney position. For more information [click here](#).



www.sentencing.ks.gov

2012 DRM

... order yours!

Mail completed form with
your payment.



2013 Legislative Session Update

- **HB 2170** - Represents a comprehensive change in the criminal justice system as it relates to sentencing procedure and practice.
- **HB 2169** - Promotes the utilization of state resources more effectively in the disposition of criminal cases where an offender is incarcerated with KDOC and has a pending probation revocation case in the state.

For more information on both bills [click here](#).

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 2012, but also help to facilitate more efficient understanding and application of the law.

[2011 & 2010 Desk Reference Manuals \(DRM\)](#) are still available.

Jan - March Case Law Updates

[State v. Alonzo](#) – March 29, 2013 – Miami – Vacated, No. 101,805 (General Issues)

[State v. Seward](#) – March 22, 2013 – Saline – Affirmed in part, reversed in part, and remanded with directions, No. 104,098 (Constitutionality, Postrelease, Jessica's Law)

[State v. Tague](#) – March 22, 2013 – Sedgwick – Affirmed, No. 104,176 (Appeals, Jury Instructions)

[State v. Newcomb](#) – March 22, 2013 – Rice – Affirmed, No. 104,900 (Constitutionality, Jessica's Law)

[State v. Dinneen](#) – March 22, 2013 – Saline – Reversed and remanded with directions, No. 106,791 (Kansas Offender Registration Act)

[State v. Ultreras](#) – March 1, 2013 – Ford – Affirmed, No. 103,527 (Jury Instructions)

[State v. Hines](#) – February 15, 2013 – Sedgwick – Reversed, sentence vacated, remanded with directions, No. 102,233 (Departures)

[State v. Trujillo](#) – February 15, 2013 – Johnson – Affirmed, No. 102,840 (Jury Instructions)

[State v. Floyd](#) – February 15, 2013 – Shawnee – Affirmed in part, vacated in part, No. 106,056 (Departures, Jessica's Law, Postrelease)

[State v. Nelson](#) – February 15, 2013 – McPherson – Affirmed, No. 106,946 (Mandatory Minimums/Hard 40 or 50 Sentencing)

[State v. Davis](#) – February 8, 2013 – Finney – Affirmed, No. 107,186 (Fee, Fines and Restitution)

[State v. Thacker](#) – January 18, 2013 – Shawnee – Affirmed, No. 107,549 (General Issues)

[State v. J.D.H.](#) – January 11, 2013 – Sedgwick – Affirmed, No. 107,916 (Constitutionality, Juveniles)



2003 Senate Bill 123

K.S.A. 2011 Supp. 21-6824

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.

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



Senate Bill 123 News

SASSI Training -

May 16, 2013 in Wichita, Ks or May 17, 2013 in Topeka, Ks

For more information and registration [click here](#).

☀ SB123 Billing Changes ☀

Starting January 1, 2013, insurance billing changes will occur.

For more information [click here](#).

[The Offender Insurance Coverage Report Form](#)

Treatment Providers: Please remember:

- Send All ASIs to us (KSC).
- In addition to monthly invoicing, the KSC accepts weekly or bi-weekly invoices for faster processing.

Community Corrections:

- If you receive an ASI – please forward it to us (KSC).
- Our office gladly prefers invoices emailed to jenniferd@sentencing.ks.gov, or faxed to 785-296-0927 in care of Jennifer.



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.

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!



- Please feel free to print your own copy. * Last revised 4/1/13



Kansas Sentencing Commission

700 SW Jackson, Suite 501
Topeka, Kansas 66603-3757

Phone: 785-296-0923
Fax: 785-296-0927
E-mail:

office@sentencing.ks.gov

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

Journal Entry of Judgment (JE) and PSI News

[Click here](#) to view the

**2012 Forms:
JE's REVISED– 11/30/12
PSI REVISED– 1/2013**

(all forms are effective 7/1/2012)

- 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.

**Offender Registration Requirement
K.S.A. 2012 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](#)

**Remember...
There are a few misdemeanor offenses that require registration!**

Take a look!

**Journal Entry (JE)
Friendly Reminders**



These will answer many questions...



If you email JEs–

please include the following:



- ▶ JE
- ▶ PSI
- ▶ Date of Birth
- ▶ Criminal History worksheet

We provide
**KBI Offender
Registration Forms**

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

Comments or Questions? Email us at sentencing@sentencing.ks.gov
We welcome your questions – call us at 785-296-0923