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(f). 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 to the Kansas Sentencing Commission within 30 days of sentencing. K.S.A. 22-3439(a).

COURT SEAL
Place the seal of the court in the 2" x 3" box in the upper left corner 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 (NCICO 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, (785) 296-8200.

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. 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 for. A separate Journal Entry of Judgment form

must be used for each separate Case Number, even if the separate cases were sentenced on the same day in the same sentencing court.

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.). The PRIMARY Offense is the most serious offense of conviction. In this same box, enter the Count Number of he PRIMARY Offense and the date the offense was committed.

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

Enter the offense of conviction by the proper K.S.A. number including all applicable subsections [i.e., a severity level 4, aggravated battery would be K.S.A. 21-3414(a)(1)(A)]. Also, if applicable, check the appropriate box indicating whether the offense involved an attempt, a conspiracy, or a solicitation.

3. 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.

4. 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.

5. 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, or Mandatory Drug Treatment (K.S.A. 21-4729, "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.

In multiple conviction cases, for the "base" crime (i.e., the offense with the highest severity level under the sentencing guidelines), the offender's full criminal history is to be applied to determine the presumptive range for that crime. <u>However, the criminal history category "I" must be used to determine the presumptive range of sentencing for each nonbase crime, regardless of whether sentencing is concurrent or consecutive. K.S.A. 21-4720 (a)(2).</u>

For nondrug and drug offenses with simultaneous presumptive imprisonment and presumptive probation sentences, the base crime is the presumptive imprisonment crime. For nondrug and drug offenses that have the same presumption, the base crime is the crime with the longest term within the grid box range.

K.S.A. 21-4729 (Senate Bill 123), passed during the 2003 Legislative Session, established Mandatory Drug Treatment for a designated target population of offenders convicted of violating K.S.A. 65-4160 or 65-4162.

6. 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, both of which can be found on the Special Rules Supplemental Page, then complete the Special rules Supplemental Page and attach it to the Journal Entry. (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 the will not be reassigned.)

In cases where an "Extended Jurisdiction Juvenile" sentence has been imposed by the court pursuant to K.S.A. 2007 Supp. 38-2347 and 38-2364, a felony Journal Entry of Judgment form is to be submitted to the Kansas Sentencing Commission and the box for the "Extended Jurisdiction Juvenile Imposed" should be checked.

7. SEXUALLY MOTIVATED OFFENSE

Check whether the sentencing court determined that the crime was "Sexually Motivated" as defined by the KS Offender Registration Act. <u>If yes, complete the Offender Registration Supplement and attach it to the Journal Entry.</u> (Any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "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. 22-4902(c)(14).

8. 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. 21-4642. <u>If yes, complete the Sex Crime Supplement and attach it to the Journal Entry.</u> (K.S.A. 21-4642 provides in pertinent part that "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, and (B) prior to the conviction of the felony under subparagraph (A), has been convicted on at least two prior conviction events of any sexually violent crime. "Prior conviction event" means one or more felony convictions of a sexually violent crime occurring on the same day and within a single count. These convictions may result from multiple counts within an information or from more than one information. If a person crosses a county line and commits a felony as part of the same criminal act or acts, such felony, if such person is convicted, shall be considered part of the prior conviction event.)

9. CHILD SEX OFFENSES?

Check whether the offender is being sentenced pursuant to K.S.A. 21-4643 wherein 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. <u>If yes, complete the Sex Offender Supplement and attach it to the Journal entry.</u>

10. 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. 21-4719(a) for a crime of extreme sexual violence defined in K.S.A. 21-4716. <u>If yes, complete the Sex Crime Supplement and attach it to the Journal Entry.</u>

11. CRIME COMMITTED WITH A DEADLY WEAPON?

Check whether the sentencing court made a finding on the record that the current crime was committed with a deadly weapon. If yes, complete the Offender Registration Supplement and attach it to the Journal Entry. K.S.A. 22-4902(a)(7).

12. DRUG CONVICTIONS (K.S.A. 65-4159 or K.S.A. 65-7006)?

Check whether the offender was convicted for a violation of K.S.A. 65-4159 (manufacture or attempted manufacture) or K.S.A. 65-7006 (possession of precursors with intent to manufacture). If yes, check whether the sentencing court made a finding on the record that the manufacturing or attempted manufacture of the controlled substance was for the offender's personal use or, that the possession of he precursor was intended to be used to manufacture a controlled substance for the offender's personal use. If no such finding is made, complete the Offender Registration Supplement and attach it to the Journal Entry. K.S.A. 22-4902(a)(10) and (11).

13. DRUG CONVICTIONS (K.S.A. 65-4161)?

Check whether the offender was convicted for a violation of K.S.A. 65-4161 (sale, possession with intent to sell). If yes, complete the Offender Registration Supplement and attach it to the Journal Entry.

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 the "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 appropriate box and complete Section IV Departure Information of the Journal Entry.

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 term underlying a probation sentence. 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 including Life 15, Life 20, Hard 10 (for intentional second degree murder committed after July 1, 1996, but before July 1, 1999) Hard 25, Hard 40, or Life without parole. If a sentence of death has been imposed, check the Death Penalty box.

For crimes committed on or after July 1, 2006, the mandatory minimum of a Hard 50 will not apply if the court finds that the defendant is subject to a guidelines sentence of greater than 600 months due to the defendant's criminal history classification. Therefore, for crimes committed on or after July 1, 2006, which have a Hard 50 sentence, check the box that indicates a sentence of "mandatory minimum=50 years or _____months pursuant to guidelines, given offender's criminal history." Then, calculate the potential guidelines sentence and enter the standard months in the blank provided. The offender's mandatory minimum will either be 600 months or the guidelines sentence, whichever is greater. K.S.A 21-4638.

3. POSTRELEASE SUPERVISION TERM

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

For a fourth or subsequent conviction of DUI, check the appropriate box indicating the term of postrelease supervision is 12 months. (For a fourth or subsequent conviction of a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. K.S.A. 2007 Supp. 8-1567(g).)

For convictions of certain child sex offenses wherein the offender was 18 years of age or older and the victim was less than 14 years of age, upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring. K.S.A. 22-3717(d)(1)(G) and (u). Please also check the appropriate box in Section VI. Recap of Sentence.

4. COUNTY JAIL TIME IMPOSED

For misdemeanors or nongrid felonies such as DUI, Domestic Violence, or Animal Cruelty, where a county jail sentence is involved, enter the term and check whether it is in months or days. Then check whether the county jail term is imposed or whether it is a term underlying a probation sentence. Check whether the county jail time is for 3rd or 4th DUI, 3rd or Subsequent Domestic Battery, or Animal Cruelty. If probation is to be granted after a specific jail term, check the appropriate box and enter the term in months.

For a fourth or subsequent conviction of DUI, check the appropriate box, in box 3 (Postrelease Supervision Term) above, indicating that the term of postrelease supervision is 12 months. (For a fourth or subsequent conviction of a DUI violation, after the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. K.S.A. 2007 Supp. 8-1567(g).)

5. PROBATION TERM AND SUPERVISION

If the sentencing court grants probation, check the appropriate box indicating the length of probation. If the sentence is to Mandatory Drug Treatment under K.S.A. 21-4729 (SB-123), check this box. In addition to checking the SB 123 box, also enter the number of months of probation actually imposed by the court pursuant to K.S.A. 21-4611(c) or (c)(5). (Note: period of drug treatment pursuant to K.S.A. 21-4729 is separate from statutory term of probation provided under K.S.A 21-4611 for severity level 4 offenders). In all probation cases enter the underlying sentence of imprisonment that the sentencing court pronounced for the individual offense in box 2 (Prison Term).

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. Indicate whether the offender has been assigned to a Correctional Conservation Camp such as Labette.

SECTION IV. 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 a postrelease Supervision (sex offense). Check as many boxes as apply.

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 V. 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 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.

3. RESTITUTION

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

SECTION VI. RECAP OF SENTENCE

1. SENTENCE IMPOSED

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. If probation is granted, enter either the term of imprisonment or jail term underlying the probation, whichever is applicable. 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. The recap is the sum total of all sentences imposed in the case. 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 mo.
Total County Jail Term:12 mo 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 when necessary.

2. POSTRELEASE SUPERVISION TERM

Enter the longest postrelease supervision period imposed for any of the offenses of conviction. If one of the offenses of conviction is an off-grid crime, the postrelease supervision term is based on the off-grid crime.

For a fourth or subsequent conviction of DUI, check the appropriate box indicating the term of postrelease supervision is 12 months. K.S.A. 2007 Supp. 8-1567(g).

If the offender is convicted of a child sex offense wherein the offender was 18 years of age or older and the victim was less than 14 years of age, check the appropriate box indicating lifetime postrelease supervision. K.S.A. 22-3717(d)(1)(G) and (u).

3. PROBATION PERIOD

In probation cases, restate the probation term imposed by the sentencing court by checking the appropriate box. If the offender is assigned to a correctional conservation camp, check the appropriate box. Enter the term of months imposed for probation pursuant to K.S.A. 21-4611(c) or (c)(5).

4. JAIL TIME CREDIT

The "sentence begins date" is the date of sentencing less the number of days of jail credit actually granted by the sentencing court. <u>This section must be completed to prevent complications for the court, the Kansas Department of Corrections and others.</u> **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 jail credit may potentially be awarded. Do this for each separate period of time for which the offender may be awarded jail credit. For each date range check whether jail credit was "A," actually awarded by the court, or "N," not awarded by the court.

Enter the sentencing date and subtract the "Total Number of Days of Jail Credit Actually Awarded" as determined by the sentencing court, to determine the sentence begins date.

5. 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 then also enter whether the prior case is concurrent or consecutive to the sentence in the current case.

6. 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.

7. 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.

8. MOTION FOR A NEW TRIAL

Is 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.

9. 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.

10. MOTION FOR ARREST OF JUDMENT

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.

11. ADDITIONAL COMMENTS

Enter any additional orders/findings of the court that are not covered by other sections in the Journal Entry of Judgment, but for which the court desires to be sated in the Journal Entry or any other necessary comments.

SECTION VII. SIGNATURES

1. JUDGE'S SIGNATURE

Provide **signature** or stamp of the Sentencing Judge as well as printed name.

The **date** is 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)

JOURNAL ENTRY OF JUDGMENT FOR ADDITIONAL OFFENSES

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. 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 of the other offense that the sentence was ordered to either run concurrent or consecutive to.

SPECIAL RULES SUPPLEMENT

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. 2007 Supp. 38-2347 and 38-2364, a felony Journal Entry of Judgment form is to be submitted to the Kansas Sentencing Commission and the box for the "Extended Jurisdiction Juvenile Imposed" should be checked.

SEX CRIME SUPPLEMENT

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. 21-4642. If yes, check the box in Section A of the Sex Crime Supplement and attach it to the Journal Entry.

B. Child Sex Offenses

Check whether the offender is being sentenced pursuant to K.S.A. 21-4643 for a sex offense wherein the offender is 18 years of age or older and the victim is less than 14 years of age. <u>If yes, complete Section B of the Sex Offender Supplement and attach it to the Journal Entry.</u>

First Offense -- For the first sex offense by an offender 18 or older involving a victim less than 14, 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 IV of the Journal Entry (Departure Information). 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." [Determine the potential guidelines sentence for

the offender's criminal history, without regard to the offender's age when the current crime was committed and enter the standard 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.]

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 standard months into the blank provided. The sentence will be fore the mandatory minimum of a Hard 40 years (480 months) or _____months pursuant to the sentencing guidelines, whichever is greater.

In all cases, K.S.A. 22-3717(d)(1)(G) and (u), require that upon release from a mandatory minimum imprisonment term, the offender will be subject to lifetime postrelease supervision and lifetime electronic monitoring.

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.

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. 22-4901 et seq. and attach the supplement to the Journal Entry of Judgment.