INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT JOURNAL ENTRY OF PROBATION REVOCATION HEARING

The KSGA Journal Entry of Probation Revocation Hearing must be on a form approved by the Kansas Sentencing Commission. K.S.A. 22-3426a(c). This form must be used by all felony probation revocations proceedings involving crimes committed on or after July 1, 1993. In addition, the court must forward a copy of the Journal Entry of Probation Revocation Hearing to the Kansas Sentencing Commission within 30 days of final disposition. K.S.A. 22-3439(b). A copy of the original Journal Entry of Judgment, the Presentence Investigation Report (PSI) and the Criminal History Worksheet should also be attached.

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 IDENTIYING INFORMATION

1. TRANSACTION NUMBER

The Transaction Number is the number located at the top of the Kansas Adult Disposition Report for (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 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, (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 motion to revoke was filed.

6. COURT CASE NUMBER

Enter the official district court Case Number in the present case in this box and in the box in the upper right hand of the Journal Entry of Probation Revocation.

7. JUDGE AT REVOCATION HEARING

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

8. DATE OF REVOCATION HEARING

Enter the date that the hearing on the motion to revoke probation was held in the present case.

9. TYPE OF DEFENSE COUNSEL AT REVOCATION PROCEEDING

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

10. AGENCY REQUESTING REVOCATION

Check the applicable box.

11. ORIGINAL SENTENCING DATE

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

12. NAME OF THE ORIGINAL SENTENCING JUDGE

Enter the name of the district court judge who pronounced the original sentence in the present case.

SECTION II. CONVICTION AND SENTENCE INFORMATION

1. NAME OF PRIMARY OFFENSE OF CONVICTION

Enter the descriptive name of the PRIMARY offense (i.e., Attempted Burglary/Dwelling, Possession of Cocaine, etc.). The PRIMARY offense is the most serious offense of conviction. In this same box, enter the Count Number of the PRIMARY offense.

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

Enter the offense of conviction by proper K.S.A. number, and also include 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 an attempt, a conspiracy, or a solicitation.

3. GRADE OF OFFENSE

Check the appropriate boxes indicating whether the offense is a felony or 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 nonperson offense.

4. OFFENSE CATEGORY

Check the appropriate box indicating whether the offense is on the nondrug or drug grid or if it is a nongrid offense.

5. CRIMINAL HISTORY CLASSIFICATION

Enter the offender's Criminal History Classification for the PRIMARY offense as found by the sentencing court at the time of the original sentencing.

6. IMPRISONMENT TERM PRONOUNCED FOR THIS OFFENSE

Enter the imprisonment term (in months) that was pronounced for the offense at sentencing.

7. POSTRELEASE SUPERVISION TERM

Offenses resulting in presumptive probation sentences are not subject to postrelease supervision terms. Postrelease supervision only applies to border box offenses and probation sentences resulting from departures. Check the appropriate box indicating the term of postrelease supervision imposed for the offense. If "Other" is checked, specify the number of months of postrelease supervision.

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).

NOTE: There is no postrelease supervision for probation revocations under K.S.A. 21-4729 (2003 Senate Bill 123) unless, the offender was sentenced to SB 123 treatment pursuant to a general departure or through court finding under K.S.A. 2007 Supp. 21-4729(a)(2)("the court finds and sets forth with particularity the reasons for finding that that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program"), K.S.A. 21-4603d(n)("If the defendant fails to participate in or has a patter of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding"), 21-4729(e) ("subject to the departure sentencing statutes") and 22-3716(c).

8. STANDARD PROBATION TERM

Check the box indicating the length of probation that was originally imposed on the offender. If "Other" is checked, enter the number of months of probation in the space provided.

NOTE: K.S.A. 21-4729 (2003 Senate Bill 123) was passed during the 2003 Legislative Session. This statute established **mandatory** drug abuse treatment for a designated target population of offenders convicted of violating K.S.A. 65-4160 or 65-4162. The sentencing court shall commit these offenders to treatment in a drug abuse treatment program until determined suitable for discharge by the court but the term of treatment **shall not exceed 18 months**.

<u>In addition, the sentencing court shall order the SB 123 offender to serve a period of probation pursuant to K.S.A. 21-4611(c)(3) and (c)(5).</u>

9. TOTAL IMPRISONMENT TERM PRONOUNCED

Enter the total period of imprisonment originally pronounced by the sentencing court for all of the offenses of conviction within the case. If the sentencing court has imposed consecutive sentences, enter the total controlling term of imprisonment pronounced.

10. REASON FOR REVOCATION HEARING

Check the appropriate box.

11. NUMBER OF PREVIOUS MOTIONS TO REVOKE

If applicable, enter the number of previous motions to revoke in the space provided. Provide any pertinent comments relating to the prior motions such as date of motion and result.

SECTION III. DISPOSITION

1. DISPOSITION

Check the appropriate box(es). If probation was revoked and reinstated, check the appropriate box, then answer whether new conditions were imposed. If the offender's probation was revoked and reinstated, and if the offender was then ordered to Community Corrections Supervision pursuant to K.S.A. 22-3716(b), then check the appropriate box. If the offender's probation was extended, then enter the number of months for which probation is to be extended. If the offender's probation was revoked, check the appropriate box and indicate whether the offender was ordered to serve the original sentence or a modified sentence. If ordered to serve a modified sentence, insert the number of months ordered in the space provided. If the sentencing court found that the offender would not be subject to a period of postrelease supervision upon release from prison pursuant to K.S.A. 22-3716(e), then check the appropriate box.

NOTE: K.S.A. 22-3726(b) provides that condition probation violators are required to be placed in a Community Corrections program at least once prior to a revocation resulting in placement in a state correctional facility, unless the court finds that the safety of the members of the public will be jeopardized or the welfare of the inmate will not be served by such assignment to community correctional services.

2. IF PROBATION WAS REVOKED, REINSTATED OR EXTENDED FOR ANY REASON, PLEASE PROVIDE A BRIEF DESCRIPTION OF THE VIOLATION(S)

If the offender's probation is revoked, reinstated or extended, then briefly describe the nature of the violation or violations.

3. IF PROBATION WAS REVOKED, REINSTATED OR EXTENDED FOR ANY REASON, PLEASE PROVIDE A BRIEF DESCRIPTION OF ANY NEW CONDITIONS IMPOSED

If the offender's probation is revoked, reinstated or extended, describe any new conditions imposed by the sentencing court (i.e., House Arrest, Jail Time, Electronic Monitoring, or the Labette Correctional Conservation Camp, etc.).

4. JAIL CREDIT AWARDED WHILE ON PROBATION FOR CURRENT CRIME

Enter the number of days of jail credit awarded at the original sentencing. Then drop down to the lower portion of the box and enter the jail credit details for the current case. Enter the location code to indicate the type of location where the offender may have earned jail credit while on probation in the current case and then enter the date range and number of days for which the 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. From the date ranges and days entered, total the number of days of jail credit **actually** awarded while on probation for the current crime and enter that number in the second space provided at the top of the box. Add the number of days of jail credit awarded at the original sentencing to the total number of days of credit awarded while on probation in the current case to arrive at the total number of days of jail credit actually awarded.

Enter the revocation 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. **NOTE**: this line should only be completed if the offender is being revoked to prison.

SECTION IV. SIGNATURES

1. JUDGE'S SIGNAURE:

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

The **date** is the date the Journal Entry of Probation Revocation was signed or stamped by the judge.

2. PROSECUTING ATTORNEY

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

3. DEFENSE ATTORNEY

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

ADDITIONAL OFFENSES PAGE

Make as many copies of this page as needed in order to include all of the offender's additional offenses. The instructions for completion of additional offense pages for additional convictions are identical to that of the Journal Entry of Probation Revocation 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 other counts. The instructions for that particular question are as follows:

7. CONCURRENT/CONSECUTIVE

Check the appropriate box indicating whether, when the sentence was originally imposed, the sentencing court ordered the offense to run either concurrent or consecutive to any other offense, and enter the other count to which the current offense was ordered to run concurrent or consecutive.