

INSTRUCTIONS FOR THE KANSAS SENTENCING GUIDELINES ACT
PRESENTENCE INVESTIGATION REPORT (PSI)

In all cases involving felony crimes committed on or after July 1, 1993 the Presentence Investigation Report (PSI) must be on a form approved by the Kansas Sentencing Commission. K.S.A. 2015 Supp. 21-6813(g).

The complete Presentence Investigation Report and the Criminal History Worksheet should be stapled to the Journal Entry of Judgment form when these forms are sent to the Kansas Sentencing Commission. K.S.A. 22-3439(a). The PSI form found in this Manual must be used for all felony Presentence Investigation Reports prepared for crimes committed on or after July 1, 2015, but prior to July 1, 2016.

A separate form must be used for each separate case number, even if the separate cases are scheduled to be sentenced on the same day.

PRESENTENCE INVESTIGATION FACE SHEET

1. OFFENDER AND CASE IDENTIFICATION INFORMATION

Judicial District

Enter the number of the judicial district in which the case was filed.

County and ORI number

Enter the name of the County in which the district court sits and the ORI Number (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) 296-2454.

Case No.

Enter the official district court Case Number in the present case. If the Court designates the case as a domestic violence case, check the DV Case box.

Name

Enter the offender's full legal name. Please be aware of nicknames, or designations (i.e., Jr., Sr., III, etc.).

A/K/A's

Enter any known aliases that have been or are now being used by the offender. Also please note maiden names and previous married names.

Age

Enter the offender's age at the time of the commission of the offense.

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).

Sex

Check the appropriate box for the offender’s gender, male or female.

Race

Check the appropriate box. Designations are as follows: W (White) - a person having origins in any of the original peoples of Europe, North America, or the Middle East; B (Black) - a person having origins in any of the original peoples of Africa; A.I. (American Indian or Alaskan Native) - a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition; or A (Asian or Pacific Islander) - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.

Ethnicity

Check the appropriate box. "Hispanic" refers to a person of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish culture or national origin.

Address

Enter the last known address of the offender. Do not use the address of the facility in which an offender is being held.

Citizenship

Check the appropriate box. If citizenship is other than the United States, please specify such if known.

Detainer or Other Charges Pending

Check the appropriate box. If yes, a brief description of the detainer or other charges and the jurisdiction in which they are pending, may be set forth in the “Official Version” section of the report.

Subject in Custody and Awaiting Sentencing

Check the appropriate box and indicate jail credit if applicable. Enter the beginning and ending dates for the time period the offender was in custody awaiting sentencing.

DNA Sample Taken

Indicate whether a DNA sample has been taken pursuant to K.S.A. 2015 Supp. 21-2511.

2. JUVENILE OFFENDER TRIED AS ADULT

If Offender Was Under 18 Years of Age When Crime(s) Was Committed and Was Tried as an Adult

Check the appropriate box indicating whether the offender was found to be an adult under K.S.A. 2015 Supp. 38-2347, or if the offender was automatically considered an adult because of a prior juvenile adjudication which would constitute a felony if committed by an adult.

3. CO-DEFENDANT INFORMATION

Names of Co-Defendants, If Any

Identify any co-defendants by entering the name and the district court case number, if any. Do not list juveniles by name; however, enter the number of juvenile co-defendants, if any.

4. ATTORNEY AND TRIAL INFORMATION

Name of Defense Attorney

Enter the full name of the defense attorney representing the offender in the present case.

Type of Counsel Prior to Sentencing

Check the applicable box.

Name of Prosecuting Attorney

Enter the full name of the prosecuting attorney in the present case.

Name of Sentencing Judge

Enter the name of the district court judge who is scheduled to preside over the sentencing proceedings in the present case.

Date of Guilty Plea or Judgment

Enter the Month/Day/Year that the offender was convicted in the present case.

Date of Sentencing

Enter the Month/Day/Year the sentencing of the offender in the present case is scheduled.

5. PRESENTENCE INVESTIGATION INFORMATION

Name of Presentence Investigator

Print the full name of the presentence investigator in the present case.

Date Assigned

Enter the Month/Day/Year the Presentence Investigation Report in the present case is ordered by the district court.

Date Submitted

Enter the Month/Day/Year the Presentence Investigation Report in the present case is filed in the district court.

Signature of Presentence Investigator

Affix the signature of the presentence investigator.

6. PRIMARY OFFENSE INFORMATION

Name of Primary Offense

Enter the descriptive name of the offense (i.e., Attempted First Degree Murder, Possession of Cocaine, etc.). The Primary Offense is generally the crime with the highest severity ranking. However, when an off-grid crime is part of a multiple count case, please use the primary on-grid crime for determining the base guideline sentence, using full criminal history.

If the conviction was for an attempt, conspiracy or criminal solicitation to commit an offense, check the appropriate box.

K.S.A. No.

Enter the offense of conviction by the proper K.S.A. number, and also include all of the applicable

subsections (i.e., a severity level 4 Aggravated Battery would be K.S.A. 2015 Supp. 21-5413(b)(1)(A)).

Offense Date

Enter the date on which the offense was committed.

Offender Registration Required

If the offense of conviction requires offender registration, please check the appropriate box and fill out the Offender Registration Supplement (page 7) and attach it to the PSI.

All offenses requiring registration are marked with an “**R**” in the Criminal Code Statute listing in Appendix D. For a complete listing of offenses that require registration, please refer to K.S.A. 2015 Supp. 22-4902 or the Offender Registration Supplement.

Criminal History Score

Enter the letter that corresponds to the offender's criminal history classification as determined from the Criminal History Worksheet.

Check the appropriate boxes indicating either: Person or Nonperson; Felony or Misdemeanor.
If the crime is a misdemeanor, enter the class of misdemeanor.

If the crime is an on-grid felony, check the appropriate box, write in the severity level and check the box to indicate whether the offense is located on either the nondrug or drug sentencing grid.
If the felony is an off-grid or nongrid offense, check the appropriate box.

If Grid Sentence

“Mandatory Prison as per K.S.A. 21-5703” is a unique provision in the sentencing law that requires mandatory prison for those convicted of unlawful manufacture of a controlled substance or analog. Subsection (e) of that statute provides that suspended sentence, community service work and probation are not sentencing options.

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 box numbers representing the “Aggravated,” “Standard” and “Mitigated” sentencing range within the grid box.

Please note these numbers are entered in the same order as they are read, from left to right, in 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.

Maximum Good Time

Please mark whether the offense is eligible for 15% or 20% maximum good time.

- 15%: Nondrug severity level 1, 2, 3, 4, 5 or 6; Drug severity level 1 or 2.
- 20%: Nondrug severity level 7, 8, 9, or 10; Drug severity level 3, 4 or 5.

Special Rules

If a special rule applies to the offense, please check the appropriate box, fill out the “Special Rule No. and

Description” fields, and complete the Special Rule Supplement on page 6 and attach it to the PSI.

If Drug Offense

Check the box for the statute in which the drug is listed (ie. K.S.A. 65-4105) and write the name of the drug.

Amount (Distribution Only)

If the drug crime is drug distribution or possession with intent to distribute, write the quantity of the drug and, if the crime was committed within 1,000 feet of school property, check the appropriate box.

Firearm Finding

If the trier of fact finds that an offender carried a firearm to commit a drug felony, or possessed a firearm in furtherance of a drug felony, in addition to the grid sentence imposed, the offender shall be sentenced to:

- an additional 6 months’ imprisonment; (Special Rule #32) OR
- an additional 18 months’ imprisonment if the trier of fact makes a finding that the firearm was discharged. (Special Rule #33)

Drug Treatment

This box should only be filled out if the offender’s offense is for felony drug possession, K.S.A. 2015 Supp. 21-5706.

- Check the “Mandatory” box for adult offenders whose offense is classified in grid blocks 5-C, 5-D, 5-E, 5-F, 5-G, 5-H, or 5-I of the sentencing guidelines grid for drug crimes; OR
- Check the “With Court Finding” box for offenders whose offense is classified in grid blocks 5-A or 5-B, of the sentencing guidelines grid for drug crimes, but only if such person felonies committed by the offender were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes; under circumstances where the present sentencing court is willing to find and set forth reasons with particularity for finding that the offender’s placement in a nonprison drug abuse treatment program will not jeopardize safety of the public;

Not Eligible boxes

Offenders will not be eligible for SB 123 treatment for the following reasons. Check all boxes that may apply:

- Criminal History: Offender has a previous conviction of K.S.A. 2015 Supp. 21-5703, 21-5705, or 21-5716;
- Offender is a resident of another state and will be supervised in such state or is not lawfully in the United States;
- Offender’s current conviction is for a 3rd or subsequent felony drug possession;
- Offender has a LSI-R score of “Low” or “Low-Moderate” ; or
- Offender has a SASSI score of “Low”

Postrelease Supervision Duration

Check the appropriate box indicating the term of postrelease supervision applicable to the offense. Please see Chapter X for more information on postrelease supervision.

Probation Duration

Check the appropriate box indicating the term of probation applicable to the offense. K.S.A. 2015 Supp. 21-6608(c). If "Other" is checked, please fill in the blank.

Please see the probation section of Chapter V for more information.

DUI or Test Refusal Post-Imprisonment Supervision

Please check the appropriate box. For a third or subsequent conviction for a DUI violation or a second or subsequent conviction for a Test Refusal violation, after the term of imprisonment imposed by the court the person shall be supervised by community correctional services or court services, as determined by the court based upon the results of the LSI-R, for a mandatory one-year period of supervision. K.S.A. 2015 Supp. 8-1025(b)(3) and 8-1567(b)(3). The sentencing options for felony DUI and Test Refusal are contained specifically in this item. **It is not necessary to complete the Probation Duration or the Postrelease Supervision Duration above as offenders are not placed on probation or postrelease supervision, As of July 1, 2011, after service of their jail term, which may include house arrest and work release, there is mandatory Post-Imprisonment Supervision of 12 months. Check the Court Services or Community Corrections box based upon appropriate PIS placement.**

Check the appropriate box if the offender had a child under the age of 14 in the vehicle at the time of the offense, the punishment shall be enhanced by one additional month of imprisonment. K.S.A. 2015 Supp. 8-1025(c) and 8-1567(c).

FACE SHEET SUPPLEMENTAL PAGE

CASE NO. (PAGES 2 and 3)

Please list the case number for this case at the top of each page where indicated.

ADDITIONAL OFFENSE INFORMATION

Make as many copies of this page as needed in order to include all of the offender's additional offenses. Instructions for the primary offense as described above will also apply to additional offenses on the Supplemental Page(s).

CURRENT OFFENSE INFORMATION

CASE NO. (PAGE 4)

Please list the case number for this case at the top of each page where indicated.

1. OFFICIAL VERSION

This section should be utilized by the individual preparing the PSI to briefly relate the facts of the offense that have been clearly established during the prosecution of the case.

2. DEFENDANT'S VERSION/DATE OF BIRTH/SOCIAL SECURITY NUMBER

List the Defendant's Date of Birth and Social Security Number. If the defendant chooses to provide a description of the facts and/or circumstances surrounding the offense, that information should be included here. If the defendant chooses not to provide any information, the defendant's date of birth and social security number should be the only information listed in this area.

Please include with Journal Entry Information.

3. VICTIM’S INJURY/DAMAGE/STATEMENT(S)

Include the appropriate information pertaining to victim’s injury due to the crime committed.

4. TOTAL RESTITUTION OWED

Include name, address, and amount owed to each victim, then enter the total restitution owed in the space provided.

5. OTHER PENDING INFORMATION

Include any victim statements pertaining to the crime committed.

CASE NO. (PAGE 5)

Please list the case number for this case at the top of each page where indicated.

6. PLACEMENT OPTIONS

In this section, the individual preparing the PSI should indicate that individual’s professional recommendation to the sentencing court on a nonprison placement. **In all cases**, the individual preparing the PSI should mark all applicable boxes for criteria that qualify the offender for placement in a Community Corrections program, even if the individual completing the PSI does not recommend a Community Corrections placement.

7. OFFICER’S ASSESSMENT OF CONDITIONS OF PROBATION

Check the appropriate box(es) and insert additional information as required. Insert any additional assessments not provided for in the PSI form in the “Other” space.

8. COSTS PROPOSED

Please identify any costs to which the offender may be subject. Court costs should include any surcharges.

For more information see the Fines and Fees sections of Chapter V.

CASE NO. (PAGE 6)

Please list the case number for this case at the top of each page where indicated.

SPECIAL RULES SUPPLEMENTAL PAGE

Attach this page only if one or more special rules apply. Indicate the applicable special sentencing rules, if any, that the sentencing court should be aware of for the individual offender. Many of the special sentencing rules include specific directions for the sentencing court to consider regarding sentencing requirements and procedures.

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.

CASE NO. (Page 7)

Please list the case number for this case at the top of each page where indicated.

OFFENDER REGISTRATION SUPPLEMENT TO THE PSI- REGISTRATION TERMS

Attach this page if the offense requires registration. Check the appropriate boxes indicating the length of the registration requirement and confirming that the defendant was advised, on the record, of the duty to register. K.S.A. 2015 Supp. 22-4906 and 22-4904(a)(1)(A).

For more information on offender registration, please see Chapter VII.

CRIMINAL HISTORY WORKSHEET INSTRUCTIONS

1. K.B.I. #

Enter the K.B.I. Number, which 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 the individual will be assigned this same number (i.e., it is the identification number listed on the Abstract of Record received from the Central Repository).

2. CASE #

Enter the official district court case number.

3. DISTRICT #

Enter the number of the judicial district in which the offender was convicted of the present offense(s).

4. COURT/ORI #

Enter the District Court ORI number. This nine digit number is assigned by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation (FBI) and serves to identify all agencies having access to the national communications system. In the form XX XXX XX X X, each criminal justice agency in Kansas has an assigned ORI number. The first two digits represent the state (KS), the next three digits the county (001 through 105, plus additional assignments), the next two digits represent a sequential assignment within the county, the next digit is for the level of government (1 = local, 3 = state, 5 = federal, etc.) and the last digit is for the type of agency (A = county/district attorneys, C = jails, J = courts, etc.). For example, KS001013A would represent the Allen County Attorney and KS046051J represents the Overland Park Municipal Court. Questions concerning assigned ORI numbers may be addressed to the KBI at (785) 296-2454.

5. PSI INVESTIGATOR NAME

Enter the last name, the first name, and the middle initial of the investigating court services or community corrections officer.

6. PRIOR RECORD

Check whether the offender has a prior conviction record.

7. OFFENDER NAME

Enter the offender's last name, the first name, and the middle name, or initial. The name should be copied as it is listed on the Presentence Investigation Report face sheet.

8. DATE OF OFFENSE

In Month, Day and four-digit Year format (xx/xx/xxxx), enter the date the primary offense was committed. This date should be the same as that on the journal entry.

9. DATE OF CONVICTION

In Month, Day and four-digit Year format (xx/xx/xxxx), enter the date of a guilty plea or a district court finding.

10. DATE OF WORKSHEET

In Month, Day and four-digit Year format (xx/xx/xxxx), enter the date the Worksheet was prepared.

11. DATE OF SENTENCING

In Month, Day and four-digit Year format (xx/xx/xxxx), enter the date the district court has set the case for final disposition.

12. CUSTODY SUPERVISION

Fill out this section if the offender was under custody supervision when the current offense(s) was committed, or if the offender would have been on supervision but for early release or discharge from probation or postrelease supervision.

Check the type of supervision. If the defendant was incarcerated or under some other supervision, check "Other" and describe the type of supervision in the space next to the box.

Check whether the defendant was on supervision for a felony or a misdemeanor. (It is not necessary to fill this out if the defendant was granted early discharge for a misdemeanor.)

Enter the jurisdiction (i.e., federal, state, municipal, etc.), district court case number and sentencing date for that case.

Make sure to mark the applicable Special Rule on the Special Rules Supplemental page.

- If the defendant committed the crime while incarcerated or on probation, parole, conditional release or postrelease supervision for a felony, see Special Rule #9.
- If the defendant committed a felony during the time in which the offender would have been under supervision had it not been for the early discharge, see Special Rule #40.
- If offender committed a felony while incarcerated in a Juvenile Correctional Facility for a crime which would have been a felony if committed by an adult, see Special Rule #28.

13. CURRENT CRIME(S) OF CONVICTION

Enter the crime(s) of conviction in the current case for which the Criminal History Worksheet is being prepared. Enter the Kansas statute violated, including subsections and a description of the offense. Also indicate whether the crime of conviction is a misdemeanor or a felony (M/F), a person or a nonperson offense (P/N) and the felony severity level or the misdemeanor classification.

14. CRIMINAL HISTORY CONVICTIONS AND/OR ADJUDICATIONS PRIOR TO SENTENCING

All convictions relevant to calculating the criminal history classification under the sentencing guidelines should be recorded on the Criminal History Worksheet as part of the Presentence Investigation Report. Prior convictions should be recorded on the Supplemental Worksheet for Prior Convictions in descending order by the date of conviction, starting with the most recent conviction.

Include any and all scoreable additional offense supplemental pages(s) of the PSI report and any Supplemental Worksheets for Prior Convictions pages. Count the convictions for each conviction type and enter the total number of convictions in the corresponding boxes. Add the number of adult convictions to the number of juvenile adjudications for each criminal history type, in order to obtain totals for each criminal history type.

“Person Misdemeanors” that are converted to “Person Felonies” should not be counted in the Person Misdemeanors total. However, Nonperson “select” Misdemeanors should be added to the Nonperson Misdemeanors total.

15. AMENDED CRIMINAL HISTORY CONVICTIONS AND/OR ADJUDICATIONS

Enter in the gray area any amendments approved by the district court prior to the sentencing. It is not necessary to complete a new Worksheet when criminal history is amended.

In some cases the status of a prior conviction will be unclear and the attorneys may stipulate to some convictions and not to others for the purposes of classifying an offender in a criminal history category. In other cases, particular convictions appearing on the Worksheet may be successfully challenged at the sentencing hearing and will thus not be relied upon to establish the offender's criminal history classification. Any amendments should be noted in this section of the Criminal History Worksheet.

16. CRIMINAL HISTORY CATEGORY

After all prior criminal convictions and adjudications have been totaled, indicate the final criminal history category by checking a letter from A to I. If special rules 41, 42, 44 or 45 are used, a new section, “Scored under Special Rule” has been added. This allows the parties to reflect the changes to criminal history that results from converting diversions, adjudications and other relevant prior criminal history to be scored as nonperson or person felonies.

17. NUMBER OF PERSON MISDEMEANORS CONVERTED

Enter the number of person misdemeanors converted to felonies. Those misdemeanors converted to a felony should be identified in the conviction code column of the Worksheet as JMC or AMC.

18. PRIOR CONVICTION USED TO ENHANCE, ELEVATE OR IS AN ELEMENT OF THE CURRENT CRIME OF CONVICTION

Check the applicable box indicating whether a prior conviction is being used to enhance/elevate or is an element of the current crime of conviction.

19. NUMBER OF DECAYED JUVENILE ADJUDICATIONS

Enter the number of felony and misdemeanor decayed juvenile adjudications. Juvenile felony and misdemeanor adjudications that have decayed should not be considered in the totals or in determining the final criminal history category. However, the total should be listed in box 19 of the first page of the

Kansas Criminal History Worksheet and also individually in the prior conviction listing on the Supplemental Criminal History Worksheet – Prior Convictions page (and also on the supplemental pages, if any), so that future PSI writers will have knowledge of the offender's entire record.

SUPPLEMENTAL CRIMINAL HISTORY WORKSHEET- **PRIOR CONVICTIONS AND/OR ADJUDICATIONS**

Each page of the Criminal History Worksheet should contain the offender's name, the judicial district, the county, and the district court Case Number. For each prior conviction include the following information. Prior convictions should be recorded in descending order by the date of conviction, starting with the most recent conviction.

For each prior conviction listed, copies of any verifying documents available to the officer should be attached, including criminal history worksheets prepared in prior cases.

The following information is **not** relevant to establishing an offender's criminal history classification under the KSGA and should not be recorded on the Criminal History Worksheet.

- **Juveniles:** Do not include informal dispositions, traffic infractions, child in need of care adjudications, contacts with law enforcement or arrests not resulting in adjudication.
- **Adults:** Do not include traffic infractions, contacts with law enforcement or arrests not resulting in conviction.

STATUTE/ORDINANCE NUMBER AND DESCRIPTION

Enter the actual statute or ordinance violated. If the conviction is in another state or jurisdiction, enter the statute number from that jurisdiction. Please enter in the Description section, the Kansas statute used for comparison to the ordinance or out-of-state conviction. Descriptions for prior convictions should be brief but descriptive.

JURISDICTION CODE

Enter the Jurisdiction Code using the listing of Jurisdiction Codes at the bottom of the page (i.e., a Federal, State, Military, or Municipal Court).

STATE/COUNTY

Enter the state in which the conviction occurred by using the assigned TWO-LETTER ABBREVIATION. Also use the assigned TWO-LETTER ABBREVIATION for the county in which the conviction occurred.

CITY

If a conviction is listed which occurred in a municipal or a county court, enter the name of the city in which the court is located.

CONVICTION DATE

In Month, Day and four-digit Year format (xx/xx/xxxx), enter the date of conviction.

CASE NUMBER

Enter the official court Case Number.

CONVICTION CODE

Indicate the type of conviction using the Conviction and Amended Codes located at the bottom of the page. Consult the Crime Lists in Appendix D to determine whether the prior conviction should be classified as a felony or a misdemeanor, a person or a nonperson crime, or a “select” misdemeanor for criminal history purposes.

Juvenile adjudication codes all begin with the letter J. Adult convictions begin with the letter A.

Misdemeanors that are converted to a felony should be identified as JMC or AMC.

Convictions that are used to enhance a sentence or that constitute an element of the current offense of conviction should be identified as AFE or JFE.

AMENDED CODE

Indicate any amendments to the crime classification using the Conviction and Amended Codes at the bottom of the page.

SOURCE OF INFORMATION

This indicates where the PSI writer found the information on a specific conviction. Source of Information Codes are listed at the bottom of the page. The source for specific information can be referred to later when requesting documentation.

For more information on special conversion rules, see Chapter III.