

**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. See K.S.A. 2003 Supp. 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. See K.S.A. 2003 Supp. 22-3439(a). A copy of the Criminal History Worksheet should also be attached.

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. CASE NAME

Enter the offender's full name as it appears in the case caption.

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 (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 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 form. You must use a separate Journal Entry of Judgment form 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 court 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 COUNSEL

Check the applicable box.

10. TYPE OF 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

Circle the criminal history classification as it was determined by the district court at sentencing.

2. OBJECTION TO CRIMINAL HISTORY?

Check either "Yes" or "No" depending on whether or not either party objected to the criminal history classification as stated in the Presentence Investigation Report (PSI). If there is an objection, then check in the adjacent box whether the objection was by the defendant or the State. If both parties objected, then check both boxes.

3. COURT'S RULING ON OBJECTION

Check whether the criminal history classification was amended or not, by the sentencing court.

SECTION III. CURRENT CONVICTION INFORMATION

The instructions used in this Section will also apply to the Journal Entry of Judgment Supplemental Page. For the additional convictions listed on the Supplemental Page, these same rules should be followed (i.e., enter the descriptive name of the offense, the Count Number, and the date the offense was committed, etc.

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 the 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 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 check the appropriate box indicating if the offense involved an attempt, a conspiracy, or a solicitation.

3. GRADE OF OFFENSE

Check the appropriate boxes indicating if the offense is a Felony or a Misdemeanor and Person or a Nonperson crime. If the offense is a Misdemeanor, enter the class of the offense (i.e., class A, class B, or class C).

4. OFFENSE SEVERITY LEVEL

Enter the severity level of the offense in the space provided. Also check the appropriate box indicating whether or not the offense is on the nondrug or the drug grid, or if it is an offgrid or a nongrid crime.

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 box numbers representing the "Standard," "Aggravated" and "Mitigated" sentencing range within the grid box. The "Standard" number is the middle number in the grid box. The "Aggravated" number is the higher number in the grid box, and the "Mitigated" number is the lower number in the grid box.

Check the appropriate box indicating whether the grid box for the offense is designated as a Presumptive Prison, a Presumptive Probation, or is a Border Box classification. Also, check the special rule box if it is applicable.

In multiple conviction cases, for the "base" crime (i.e., the offense with the highest severity level under the sentencing guidelines) in a multiple conviction case, the offender's full criminal history is to be applied to determine the presumptive range for that crime. 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. 2003 Supp. 21-4720(a)(2).

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) was passed during the 2003 Legislative Session. Mandatory Drug Treatment was established for a designated target population of offenders convicted of violating K.S.A. 65-4160 or 65-4162.

6. SENTENCE IMPOSED

Check the appropriate box indicating whether the sentence imposed was Prison - DOC, County Jail, County Jail (followed by DOC custody for fourth or subsequent DUI), Probation, for those particular cases that qualify, Extended Probation under K.S.A. 2003 Supp. 21-4611(c)(5), or Mandatory Drug Treatment.

If the sentence imposed is a prison sentence enter the number of months imposed for the offense. If the sentence of Life Imprisonment for an off-grid crime includes a mandatory minimum term before parole eligibility, check whether the mandatory minimum is the Hard 10 (for intentional second degree murder committed after July 1, 1996, but before July 1, 1999), the Hard 25, the Hard 40, the Hard 50 or Life Imprisonment without Parole. If a sentence of death has been imposed, check the Death Penalty.

For misdemeanor or non-grid felonies where a county jail sentence has been imposed, enter the term of days or months representing the county jail term imposed for the offense. If the sentencing court orders probation, check the Standard Probation box and then check the appropriate box indicating the length of probation. However, if "other" is checked, enter the number of months of probation in the space provided. In all probation cases though, also enter the underlying sentence of imprisonment that the sentencing court pronounced for the individual offense. No single Journal Entry of Judgment should have both the "prison" and "probation" boxes checked because the sentencing court either sentenced the offender to prison or to probation but not to both in the same case.

If the case is sentenced under the "Extended Probation" provision pursuant to K.S.A. 2003 Supp. 21-4611(c)(5), or under the "Mandatory Drug Treatment" provision, then check the appropriate box and also enter the number of months of the extension imposed by the sentencing court.

7. GUIDELINE RANGE IMPOSED

Check the appropriate box indicating whether the sentence pronounced by the sentencing court for the offense is the "Standard," "Aggravated," or the "Mitigated" number within the grid box, or whether the sentence imposed is a departure from the presumptive range. However, if the sentence imposed constitutes a departure sentence, Section IV (Departure Information) of the Journal Entry of Judgment form must be completed.

8. WAS THE CRIME SEXUALLY MOTIVATED?

Check the appropriate box indicating the sentencing court's determination of whether or not the crime was sexually motivated.

9. PRIOR MANDATORY DRUG TREATMENT?

Check the appropriate box indicating the sentencing court's determination of whether or not the offender has had any prior "mandatory drug treatment" under the provisions of K.S.A. 21-4729 (Senate Bill 123). If the answer is Yes, also indicate how many times.

10. SPECIAL RULE APPLICABLE TO SENTENCE, IF ANY

Check the appropriate box indicating any special rule applicable to the offense. If "Other" is checked, then specify the reason. This section of the Journal Entry of Judgment form was changed in 1999 and new boxes have been added for cases involving "Persistent Sex Offender," "Crime Committed While on Felony Bond," "Kansas Securities Act," "Second or Subsequent Manufacture of a Controlled Substance Conviction," "Residential Burglary with a Prior Residential, Nonresidential or Aggravated Burglary Conviction," "Second Forgery, Third or Subsequent Forgery" and "Mandatory Drug Treatment."

In cases where an "Extended Jurisdiction Juvenile" sentence has been imposed by the court pursuant to K.S.A. 38-16,126(a), then 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.

11. POSTRELEASE SUPERVISION TERM

Check the appropriate box indicating the term of postrelease supervision imposed for the offense. If a 60-month term of postrelease supervision has been imposed, this constitutes a departure, and Section IV of the Journal Entry form must be completed. If "Other" is checked, specify the number of months of the postrelease supervision. Though postrelease supervision terms for some severity levels were retroactively amended in the 2000 Kansas Legislative Session, some upper severity level crimes committed between July 1, 1993, and April 20, 1995, the postrelease supervision term will be only 24 months. Proceed carefully when dealing with sentences for crimes that occurred during this specific timeframe. Also, if the offense of conviction is an offgrid crime, the supervision period should be stated under "Other" as "Life Parole." See K.S.A. 2003 Supp. 22-3717(f).

12. PROBATION TO:

If the offender is placed on probation, check whether the probation supervision is with Court Services or with Community Corrections.

13. COUNTY JAIL TIME IMPOSED AS A CONDITION OF PROBATION

Enter the number of days of county jail time, if any, imposed as a condition of probation.

14. ASSIGNMENT TO CORRECTIONAL CONSERVATION CAMP

If the offender has been ordered to Labette Correctional Conservation Camp, or another correctional conservation camp or an intermediate sanction facility as a condition of probation, enter the number of days the offender has been assigned to any of these facilities.

15. CONCURRENT/CONSECUTIVE

(located at the bottom right hand of the Supplemental Page)

Check the appropriate box indicating whether the sentencing court ordered the offense to run either concurrent or consecutive to any other offense, and enter the Count numbers of the other offenses that the sentence was ordered to either run concurrent or consecutive.

SECTION IV. DEPARTURE INFORMATION

1. TYPE OF DEPARTURE

Check each of the appropriate boxes indicating whether the departure was a Downward Durational, a Downward Dispositional, an Upward Durational, an Upward Dispositional, or a Postrelease Supervision (sex offense). Check as many boxes as apply.

2. REASONS CITED AS 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 placed on probation.

2. COSTS ORDERED

Enter the total amounts of Restitution, 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 (i.e., attorney fees other than BIDS, probation fees, administrative fees, etc.), enter these fees in the Comments section.

3. COMMENTS

Enter any other comments pertaining to the sentencing court's Order of Probation that are not covered by the other sections.

SECTION VI. RECAP OF SENTENCE

1. TOTAL PERIOD OF CONFINEMENT IN DOC

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

2. STANDARD PROBATION PERIOD

In probation cases, restate the probation term imposed by the sentencing court by checking the appropriate box. If "Other" is checked, also enter the term of months imposed.

3. POSTRELEASE PERIOD

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

4. 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.

5. SENTENCE BEGINS DATE

The “sentence begins date” is the date of sentencing less the number of days of jail time credit granted by the sentencing court. This section must be completed to prevent complications for the court, the Kansas Department of Corrections and others. The failure to complete this may result in the need for an Amended Journal Entry of Judgment to be prepared.

6. DATES OF JAIL CREDIT EARNED

Enter the dates for which jail credit time was awarded and the total number of days of jail time credit awarded for that particular period of time. Do this for each separate period of time for which the offender has been awarded jail time credit. Also enter the “Total Days of Jail Time Credit Earned” as determined by the sentencing court.

7. MAXIMUM GOOD TIME CREDIT

Check the maximum potential reduction to the sentence imposed as a result of the application of good time credit. For crimes committed prior to July 1, 1993, good time credit is allocated as provided in K.S.A. 2003 Supp. 22-3725. For crimes committed on or after July 1, 1993, but prior to April 20, 1995, the maximum potential good time reduction is 20%. For crimes committed on or after April 20, 1995, the maximum potential good time reduction is 15%.

8. ADDITIONAL COMMENTS

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.

9. MOTION FOR NEW TRIAL/MOTION FOR JUDGMENT OF ACQUITTAL

Check the appropriate box as to whether the sentencing court has denied the offender's motion for new trial and/or motion for judgment of acquittal either prior to or at sentencing.