

KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT
PLEASE USE FOR CRIMES COMMITTED ON JULY 1, 2016 - JUNE 30, 2017

SECTION I. CASE IDENTIFYING INFORMATION			1. Transaction No.	
2. STATE v. <input type="checkbox"/> Male <input type="checkbox"/> Female		3. Court O.R.I. Number		4. K.B.I. Number
5. County	6. Court Case Number	7. Sentencing Judge		8. Sentencing Date
9. Defense Counsel: <input type="checkbox"/> Appointed <input type="checkbox"/> Retained <input type="checkbox"/> Self <input type="checkbox"/> Waived Orally <input type="checkbox"/> Waived in Writing				
10. Type of Proceeding (Trial) <input type="checkbox"/> Bench Trial (includes a plea on stipulated facts) <input type="checkbox"/> Jury Trial <input type="checkbox"/> Guilty Plea <input type="checkbox"/> Nolo contendere Plea				
11. Date of Conviction:				
12. Pre-Trial Status of Offender <input type="checkbox"/> In Custody <input type="checkbox"/> Released on Bond <input type="checkbox"/> Other Release				
SECTION II. CRIMINAL HISTORY CLASSIFICATION				
1. Offender's Overall Criminal History Classification as Found by the Court: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I				
2. Objection to Criminal History? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, By: <input type="checkbox"/> Defendant or <input type="checkbox"/> State Court's Ruling on Objection: <input type="checkbox"/> Criminal history was amended <input type="checkbox"/> Criminal history was not amended				
SECTION III. CURRENT CONVICTION INFORMATION				
1. Name of PRIMARY Offense of Conviction: _____ Count No.: _____ Date of Offense: _____ <input type="checkbox"/> Designated by court as domestic violence case based upon special finding (see #14 this section)				
2. If Drug Offense: (Indicate statute for controlled substance) <input type="checkbox"/> 65-4105 <input type="checkbox"/> 65-4107 <input type="checkbox"/> 65-4109 <input type="checkbox"/> 65-4111 <input type="checkbox"/> 65-4113 Name of Drug: _____ Amount of Drug (IF Distribution Offense): _____ <input type="checkbox"/> w/in 1,000 ft of school				
3. K.S.A. Title, Section, Subsection(s): _____ <input type="checkbox"/> Attempt (K.S.A. 21-5301) <input type="checkbox"/> Conspiracy (K.S.A. 21-5302) <input type="checkbox"/> Solicitation (K.S.A. 21-5303)				
4. Grade of Offense: (Check one in each row.) <input type="checkbox"/> Felony, Severity Level _____ <input type="checkbox"/> Misdemeanor, Class _____ <input type="checkbox"/> Person <input type="checkbox"/> Nonperson				
5. Offense Category: <input type="checkbox"/> Nondrug <input type="checkbox"/> Drug <input type="checkbox"/> Off-grid <input type="checkbox"/> Nongrid				
6. Presumptive Sentencing Range: (Enter terms from appropriate grid.) Aggravated ____ Standard ____ Mitigated ____ Check applicable box(es) <input type="checkbox"/> Presumptive Prison <input type="checkbox"/> Presumptive Probation <input type="checkbox"/> Border Box <input type="checkbox"/> Mandatory Prison as per K.S.A. 21-5703 <input type="checkbox"/> Drug Treatment for up to 18 months. K.S.A. 21-6824 <input type="checkbox"/> Special Rule Applies (Complete Special Rules Supplemental Page and Attach)				
THIS FORM MUST BE ACCOMPANIED BY A COPY OF THE PRESENTENCE INVESTIGATION FORM PURSUANT TO K.S.A. 22-3439 AND A DOCUMENT CONTAINING INFORMATION REQUIRED BY K.S.A. 22-3426. PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION.				

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7. **SPECIAL RULE APPLICABLE:** Yes No **If Yes, enter the number(s) and brief description(s) corresponding to the applicable special rule. (Complete Special Rules Supplemental Page and Attach):** _____

8. **SPECIAL FINDING** that the crime was **SEXUALLY MOTIVATED** pursuant to the KS Offender Registration Act
8a. Did the court make a special finding that the crime was sexually motivated? Yes No
8b. **IF YES to 8a**, did the court find that the act involved non-forcible sexual conduct, the victim was at least 14 and the offender was no more than 4 years older than the victim? (K.S.A. 22-4902(c)(15)) Yes No
8c. **IF YES to 8a and NO to 8b, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.**

9. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (K.S.A. 21-6626) Yes No
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

10. Is offender being sentenced pursuant to K.S.A. 21-6627 where offender is 18 years of age or older and the victim is less than 14 years of age? Yes No
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

11. Downward departure (K.S.A. 21-6818(a)) for a crime of extreme sexual violence (K.S.A. 21-6815)? Yes No
IF YES, PLEASE COMPLETE SEX OFFENSE SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

12. Did offender, as determined by the court, commit the current crime with a deadly weapon? Yes No
IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

13. Was offender convicted of a violation of K.S.A. 21-5703, Manufacture or attempted manufacture; K.S.A. 21-5705(a)(1). Cultivation, Distribution, Possession w/ intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), (f)(1); or K.S.A. 21-5709(a). Possession of precursors w/ intent to manufacture? Yes No
IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO JOURNAL ENTRY.

14. Determination of domestic violence case designation
14a. Did offender, as determined by the trier of fact, commit a domestic violence offense? Yes No
14b. If **YES to 14a** above, did the court find that offender had no prior domestic violence conviction or diversion, AND that offender did not use the present domestic violence offense to coerce, control or punish the victim? Yes No
14c. If **YES to 14a** and **NO to 14b**, **PLEASE CHECK THE DOMESTIC VIOLENCE CASE DESIGNATION BOX.** **DV Case**

15. U.S. Armed Forces Treatment Eligibility (K.S.A. 21-6630):
15a Did offender serve in the armed forces of the U.S. in a combat zone as certified by the Kansas Commission on Veteran Affairs? Yes No
15b Does offender suffer from injury and the injury is connected to service in a combat zone in the armed forces of the U.S.? Yes No
15c Does offender's current conviction place the offender in a presumptive probation grid box? Yes No
If YES to 15a through 15c, check box if court ordered treatment: Inpatient Outpatient Gov't Provided Treatment

SECTION IV. SENTENCE IMPOSED

1. **Guideline Range Imposed:** Aggravated Standard Mitigated Departure – **COMPLETE SECTION V**

2. **Prison Term:** KDOC ____ months (including enhancement sentence)
(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted
** or Underlying with KDOC Drug Trtmt Prog. (min. 120 days)
 Enhancement Sentence- Drug with Firearm: 6 months 18 months (K.S.A. 21-6805(g))
Ballistic Resistant Material: 30 months (K.S.A. 21-6804(t))
 Off-grid Crime:
 Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 25 Hard 40 Hard 50 Life without Parole Death Penalty
 Per K.S.A. 2014 Supp. 21-6620, 21-6623 or 21-6627, if guidelines sentence greater than mandatory minimum ____ months.

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) - **COMPLETE SECTION V**
 Lifetime Postrelease Lifetime Parole / Electronic Monitoring (K.S.A. 21-6604(r))

4. **Felony DUI & Test Refusal:** 3rd D.U.I. 4th & Subs. D.U.I. 2nd Test Refusal 3rd & Subs. Test Refusal
*** No Probation or Postrelease allowed on or after July 1, 2011.**
Jail Sentence: ____ months ____ days Release is authorized after jail service of ____ months ____ days ____ hours
 Assigned to work release (K.S.A. 21-6604(a)(11)) or House Arrest: ____ months ____ days ____ hours
Post-Imprisonment Supervision (PIS) of 12 months supervised by: Court Services Community Corrections (check one)
 Additional one month jail if child <14 in vehicle (K.S.A. 8-1567(c), K.S.A. 8-1025(c)) (include in total)

5. **Other Nongrid Felony and/or Misdemeanors:** 3rd & Subs. Domestic Battery w/in 5 yrs. Animal Cruelty
 Jail Sentence Imposed: ____ months ____ days ____ hours **Probation Imposed** (Complete # 6)
 Probation granted after serving jail term. Jail Term: ____ months ____ days
 Assigned to work release (K.S.A. 21-6604(a)(11)) or House Arrest: ____ months ____ days ____ hours

** This option is included in statute, but is unavailable

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6. **Probation Term (If Granted):** 12 months 18 months 24 months 36 months 60 months

Drug Treatment for up to 18 months. K.S.A. 21-6824 Other: _____

Extended Period K.S.A. 21-6608(c)(5) for: _____ months

Probation Supervision to: Court Services Community Corrections Unsupervised

County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days

**** Assignment to Correctional Conservation Camp**

Withheld authority of court services/community corrections to impose intermediate sanction pursuant to K.S.A. 21-6604(s) or (t)

Comments: _____

SECTION V. DEPARTURE INFORMATION

1. **Type of Departure:** (Check all that apply.)

Downward Durational Upward Durational Downward Dispositional Upward Dispositional

Postrelease Supervision (up to 60 months for sexually motivated offense) – K.S.A. 22-3717(d)(1)(D)(i)

2. **Reasons Cited as Basis for Departure:**

SECTION VI. OTHER CONDITIONS

1. **General/Special Conditions of Probation (COMPLETE AND ATTACH ORDER OF PROBATION TO THIS JOURNAL ENTRY if needed)**

2. **Costs Ordered:**

† Total Restitution (Please complete #3 below)	\$ _____	Correctional Supv. Fee (Felony \$120; Misd. \$60)	\$ _____
Court Costs (including surcharge)	\$ _____	BIDS Attorney Fee <input type="checkbox"/> Waived	\$ _____
* Total Fines	\$ _____	BIDS Application Fee	\$ _____
DNA Database Fee (K.S.A. 21-2511 & 75-724.)	\$ _____	Court-Appointed Attorney Fee	\$ _____
Extradition Costs	\$ _____	Community Corr. Fee (offenses after 1/4/07)	\$ _____
Domestic Violence Special Program Fee	\$ _____	Booking/Fingerprint Fee	\$ _____
Apprehension Fee (Escape/Agg. Escape)	\$ _____	Reward Reimbursement	\$ _____
Alcohol and/or Drug Eval. Fee (offenses before 7/1/11)	\$ _____	Children's Advocacy Center Assessment Fee	\$ _____
Witness Fee	\$ _____	Medical Costs/Expenses Reimbursement	\$ _____
KBI Lab Fee	\$ _____	SB 123 Assessment Fee (\$175)	\$ _____
Other Lab Fee	\$ _____	SB 123 Offender Reimbursement (at least \$125)	\$ _____
Domestic Violence Assessment/Recommendations	\$ _____	Other: _____	\$ _____
		TOTAL COSTS	\$ _____

† On or after 7/1/15, restitution shall be ordered as per **K.S.A. 22-3424** if convicted of Human Trafficking (K.S.A. 21-5426), Agg. Human Trafficking (K.S.A. 21-5426) or Commercial Exploitation of a Child (K.S.A. 21-6422).

* \$250 of DUI or Test Refusal fine shall be sent to Community Corrections Supervision Fund.

* On and after 7/1/13 for Promoting the Sale of Sexual Relations (K.S.A. 21-6420), Buying Sexual Relations (K.S.A. 21-6421), or Commercial Sexual Exploitation of a Child (K.S.A. 21-6422), fine of \$2500-5000 shall be sent to Human Trafficking Victim Assistance Fund.

3. **Restitution to be paid as follows:**

Amount	Name and Address
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

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SECTION VII. RECAP OF SENTENCE

1. Sentence Imposed:

Total Prison Term (if sentence imposed is to prison): _____

Total County Jail Term: _____ Consecutive to Prison Term

Total Underlying Jail Term (if sentence imposed is probation): _____

Total Underlying Prison Term (if sentence imposed is probation): _____

For each count, the Court pronounced the complete sentence, including the maximum potential good time percentage. K.S.A. 21-6804(e)(2) and 21-6805(c)(2).

2. Postrelease Supervision Term: 12 months 24 months 36 months 60 months Lifetime Postrelease
 Lifetime Parole / Electronic Monitoring (K.S.A. 21-6604(r))

3. DUI or Test Refusal Post-Imprisonment Supervision (12 months) Court Services Community Corrections

4. Probation Term Imposed (select one): 12 months 18 months 24 months 36 months 60 months

Drug Treatment for up to 18 months. K.S.A. 21-6824

Extended Period K.S.A. 21-6608(c)(5) for: _____ months

Other: _____

**Correctional Conservation Camp

5. Incarceration Credit: Enter dates (m/d/yy only) and days of credit potentially for this case and check "A" if the days are actually awarded, or "N" if the days are not awarded by the court. (attach additional pages if necessary)

*Location- From: To: = Days A N *Location- From: To: = Days A N

*Location- From: To: = Days A N *Location- From: To: = Days A N

*Location- From: To: = Days A N *Location- From: To: = Days A N

*Location- From: To: = Days A N *Location- From: To: = Days A N

* Enter appropriate letters to indicate the type of location where credit may have been earned:

J=Jail TL=Treatment (Locked) TU=Treatment (Unlocked) RL=Residential (Locked) RU=Residential (Unlocked) HA= House Arrest
Sentencing Date: _____ **Total number of days of credit actually awarded** _____ **= Sentencing Begins Date:** _____

IF cases are "CONSOLIDATED", LIST GRAND TOTAL OF all CREDITS ACTUALLY AWARDED: _____

6. Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive:

Case No. _____ County _____ Sentence _____ Concurrent or Consecutive

Case No. _____ County _____ Sentence _____ Concurrent or Consecutive

Case No. _____ County _____ Sentence _____ Concurrent or Consecutive

Case No. _____ County _____ Sentence _____ Concurrent or Consecutive

Others: _____

7. Miscellaneous Provisions:

Defendant informed of right to appeal within 14 days of this date. K.S.A. 22-3608(c). (Required by case law)

Defendant informed of potential rights of expungement. K.S.A. 21-6614c(h)

Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act. K.S.A. 22-4905(b)(2).

(Please complete OFFENDER REGISTRATION SUPPLEMENT and attach it to the Journal Entry.)

Defendant must submit specimens of blood or an oral or other biological sample, if not previously submitted, pursuant to K.S.A. 21-2511(c).

Defendant must obtain psychological evaluation and shall complete the recommended treatment pursuant to K.S.A. 22-3717(d)(1)(D)(iv).

Defendant has been processed, fingerprinted and palmed. K.S.A. 21-2501(b)

Court remands Defendant to custody of Sheriff to begin serving sentence.

Court remands Defendant to custody of Sheriff to await transportation to the custody of the Secretary of Corrections.

Defendant to report to County Jail on the ____ day of _____, 20__ at ____ o'clock a.m. p.m. to start serving sentence.

House arrest is authorized for remaining _____ days after Defendant completes mandatory _____ hours in the County Jail.

Work release recommended (if accepted, defendant is to abide by recommendations of the program).

Defendant's financial resources and burden imposed by BIDS application and attorney fees considered by the court pursuant to K.S.A. 22-4513 and *State v. Robinson*, 281 Kan. 538, 132 P.3d 934 (2006).

Defendant to undergo domestic violence assessment pursuant to K.S.A. 21-6604(p).

Defendant advised of prohibition against firearms.

Other Comments: _____

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SECTION VII. RECAP OF SENTENCE CONTINUED

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8. Border Box Findings K.S.A. 21-6804(f): (Check if appropriate)

- An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and
- the recommended treatment program is available and the offender can be admitted to the program within a reasonable period of time; or,
- the non-prison sanction will serve community safety interests by promoting offender reformation

9. **If made, Motion for New Trial:** Granted Denied

10. **If made, Motion for Judgment of Acquittal:** Granted Denied

11. **If made, Motion for Arrest of Judgment:** Granted Denied

12. Additional Comments:

SECTION VIII. SIGNATURES

1. **Judge's Signature:** **Date:** _____
Signed: _____
Printed: _____

2. **Prosecuting Attorney:**

Signed: _____
Printed: _____
Supreme Court Number: _____
Date: _____
Address: _____

Phone No: _____

3. **Defense Attorney:**

Signed: _____
Printed: _____
Supreme Court Number: _____
Date: _____
Address: _____

Phone No: _____

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KSGA JOURNAL ENTRY OF JUDGMENT ADDITIONAL OFFENSES CONTINUED COUNT _____ (PAGE 2 OF 2)

SENTENCE IMPOSED:

1. **Guideline Range Imposed:** Aggravated Standard Mitigated Departure – **COMPLETE SECTION V**

2. **Prison Term:** KDOC _____ months (including enhancement sentence)
(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted
**or Underlying with KDOC Drug Trtmnt Prog. (min. 120 days)
 Enhancement Sentence- Drug with Firearm: 6 months 18 months (K.S.A. 21-6805(g))
Ballistic Resistant Material: 30 months (K.S.A. 21-6804(t))
 Off-grid Crime:
 Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 25 Hard 40 Hard 50
 Per K.S.A. 2014 Supp. 21-6620, 21-6623 or 21-6627, if guidelines sentence greater than mandatory minimum _____ months.
 Life Imprisonment without Parole Death Penalty

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) – **COMPLETE SECTION V**
 Lifetime Postrelease Lifetime Parole / Electronic Monitoring (K.S.A. 21-6604(r))

4. **Felony DUI & Test Refusal:** 3rd D.U.I. 4th & Subs. D.U.I. 2nd Test Refusal 3rd & Subs. Test Refusal
* **No Postrelease or Probation allowed on or after July 1, 2011**
Jail Sentence: _____ months _____ days Release is authorized after jail service of _____ months _____ days _____ hours
 Assigned to work release (K.S.A. 21-6604(a)(11)) or House Arrest: _____ months _____ days _____ hours
Post-Imprisonment Supervision (PIS) of 12 months supervised by: Court Services Community Corrections (check one)
 Additional one month jail if child <14 in vehicle (K.S.A. 8-1567(c), K.S.A. 8-1025(c)) (include in total)

5. **Other Nongrid Felony and/or Misdemeanors:** 3rd & Subs. Domestic Battery w/in 5 yrs. Animal Cruelty
 Jail Sentence Imposed: _____ months _____ days _____ hours **Probation Imposed** (Complete # 6)
 Probation granted after serving jail term. Jail Term: _____ months _____ days
 Assigned to work release (K.S.A. 21-6604(a)(11)) or House Arrest: _____ months _____ days _____ hours

6. **Probation Term Imposed (select one):** 12 months 18 months 24 months 36 months 60 months
 Drug Treatment for up to 18 months. (K.S.A. 21-6824)
 Extended Period (K.S.A. 21-6608(c)(5)) for: _____ months
 Other:
Probation Supervision to: Court Services Community Corrections Unsupervised
County Jail Time Imposed AS A CONDITION OF PROBATION: _____ days
****Assignment to Correctional Conservation Camp**
 Withheld authority of court services/community corrections to impose intermediate sanction pursuant to K.S.A. 21-6604(s) or (t)
Comments:

7. **Additional Comments:**

CASE NO.**SPECIAL RULES SUPPLEMENTAL PAGE (IF APPLICABLE, check box of the special rule and include this page with the corresponding count.)****PUBLIC SAFETY OFFENSES / FIREARMS FINDING APPLY:**

- 1 **Person Felony Committed With a Firearm** – presumed prison. K.S.A. 21-6804(h)
2 **Agg. Battery against a L.E.O.**, if criminal history is 6H or 6I – presumed prison. K.S.A. 21-6804(g)
3 **Agg. Assault of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. K.S.A. 21-6804(g)
34 **Battery on a L.E.O., K.S.A. 21-5413(c)(2), resulting in bodily harm-** presumed prison and consecutive. K.S.A. 21-6804(r)
32 **Drug Felony While in Possession of a Firearm-** presumed prison. K.S.A. 21-6805(g)
33 **Drug Felony With a Firearm that Discharges-** presumed prison. K.S.A. 21-6805(g)
4 **Crime Committed for Benefit of a Criminal Street Gang** – presumed prison. K.S.A. 21-6804(k)
11 **Extended Jurisdiction Juvenile Imposed** – both juvenile and adult sentences imposed, adult sentence stayed conditioned on successful completion of juvenile sentence. K.S.A. 38-2347 and 38-2364
35 **Agg. Endangering a Child** – consecutive sentence required. K.S.A. 21-5601(c)(2)
36 **Ballistic Resistant Material** – presumed prison with additional 30 months and consecutive. K.S.A. 21-6804(t)
38 **Unlawful Sexual Relations** - presumed prison. K.S.A. 21-6804(s)

HABITUAL OR REPEAT OFFENSES APPLY:

- 5 **Persistent Sex Offender** - presumed prison – double the maximum duration. K.S.A. 21-6804(j)
12 **2nd or Subs. Manufacture of a Controlled Substance Conviction** – if previous conviction is for methamphetamine or analog, presumed prison, twice the maximum duration. K.S.A. 21-6805(e)
26 **3rd or Subs. Felony Drug Possession** - presumed prison. K.S.A. 21-6805(f)(1)
13 **Residential Burglary with a Prior Residential, Nonresidential or Agg. Burglary Conviction or any attempt or conspiracy convictions of these priors** – presumed prison. K.S.A. 21-6804(l)
47 **Residential Burglary with Criminal History Score 7C, 7D, or 7E - presumptive prison. 2016 Session Laws Ch. 90, §4**
27 **Burglary With Two or More Prior Convictions for Theft, Burglary, or Agg. Burglary** – presumed prison. K.S.A. 21-6804(p)
29 **Felony Theft With Three or More Prior Convictions for a Felony Theft, Burglary, or Agg. Burglary** – presumed prison. K.S.A. 21-6804(p)
30 ** **For #27 or #29, Substance Abuse Underlying Factor, Treatment More Effective to Reduce Reoffense Risk and Community Safety Served** – KDOC Intensive Substance Abuse Treatment Program, Return to Court Upon Successful Completion. K.S.A. 21-6804(p)
31 **3rd or Subs. Criminal Deprivation of a Motor Vehicle** – presumptive prison. K.S.A. 21-6804(n)
16 **2nd Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-5823, term of imprisonment not in KDOC. Criminal history A or B, - sentenced for SL 8, NPF. K.S.A. 21-6804(i)
17 **3rd or Subs. Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-5823, term of imprisonment not in KDOC. Criminal history A or B, - sentenced for SL 8, NPF. K.S.A. 21-6804(i)
9 **Crime Committed While Incarcerated, on Probation, Parole, Conditional Release, or Postrelease Supervision for a Felony** – new sentence shall be imposed consecutively. K.S.A. 21-6606(c). If new crime is a felony, court may impose prison even if presumption is nonprison. K.S.A. 21-6604(f)(1)
40 **Felony Committed After Early Discharge When Offender Would Have Been On Probation or Postrelease Supervision for a Felony** If committed after early discharge pursuant to K.S.A. 21-6608(d), or K.S.A. 22-3717(d)(2), may impose prison even if presumed nonprison. K.S.A. 21-6604(f)(2)
28 **Felony Committed While Incarcerated in a Juvenile Correctional Facility for an Offense That Would be a Felony if Committed by an Adult** – presumed prison. K.S.A. 21-6604(f)(3)
10 **Crime Committed While on Felony Bond** – new sentence imposed consecutively. K.S.A. 21-6606(d), 21-6604(f)(4). If new crime is a felony, court may impose prison even if presumption is nonprison, K.S.A. 21-6604(f)(4)
37 **2nd or Subs. Identity Theft or Identity Fraud** – presumed prison. K.S.A. 21-6804(u)
41 **Leaving the Scene of an Accident** - if current conviction is for K.S.A. 8-1602(b)(2), (b)(3) or (b)(4), prior convictions committed on and after July 1, 2011 of 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605, 40-3104, 21-5405(a)(3) and 21-5406(a)(3), or comparable convictions from a different jurisdiction, shall count as person felony for criminal history purposes. K.S.A. 21-6811(i)
42 **Involuntary Manslaughter by DUI** - if current conviction is for K.S.A. 21-5405(a)(3), all prior convictions, adjudications and diversions for K.S.A. 8-1567(DUI), K.S.A. 8-2,144 (Commercial DUI), K.S.A. 8-1025 (Test Refusal), or comparable law of a different jurisdiction, shall count as person felony for criminal history purposes. K.S.A. 21-6811(c)
43 **3rd or Subsequent Flee/Elude** - presumed prison and imposed consecutively. K.S.A. 2014 Supp. 21-6804(v)
44 **Agg. Battery by DUI** - if current conviction is for K.S.A. 21-5413(b)(3), the first prior conviction, adjudication or diversion of K.S.A. 8-1567 (DUI), K.S.A. 8-2,144 (Commercial DUI), K.S.A. 8-1025 (Test Refusal), or comparable law of a different jurisdiction, shall count as a **nonperson** felony for criminal history purposes. Each second and subsequent prior adult conviction, diversion or juvenile adjudication of these offenses shall count as a **person** felony for criminal history purposes. K.S.A. 21-6811(c)
45 **Aggravated Criminal Damage to Property** - presumed prison if current conviction is for K.S.A. 21-5813(b) (Scrap Metal) and offender has a prior conviction for any nonperson felony. K.S.A. 21-6804(w)
46 **Offender Registration Act Violation** - presumed prison unless optional nonprison sanction imposed. K.S.A. 21-6804(m)

CASE NO.**SPECIAL RULES SUPPLEMENTAL PAGE- continued****NONGRID OFFENSES APPLY:**

- 6 **Felony D.U.I.** (3rd, 4th or Subs.) – sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 8-1567
- 39 **Felony Test Refusal** (2nd, 3rd, or Subs) – sentenced pursuant to mandatory sentencing requirements of K.S.A. 8-1025
- 8 **Felony Domestic Battery** - sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 21-5414(b)(3)
- 21 **Animal Cruelty** - K.S.A. 21-6412; 2nd or subs. conviction; or **Working/Assistance dog** – K.S.A. 21-6416 – sentenced pursuant to specific mandatory sentencing requirements of same statute

FINANCE OFFENSES APPLY:

- 25 **Fraudulent Insurance Act**, any combination of acts w/in 6 months involving \$25,000 or more - presumed prison. K.S.A. 40-2,118(e)
- 15 **Kansas Uniform Securities Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 17-12a508(a)(5)
- 19 **Mortgage Business Act**, 2nd or subs. Conviction – presumed prison. K.S.A. 9-2203(d)
- 20 **Loan Brokers Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 50-1013(a)

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Case No. _____

SEX OFFENSE SUPPLEMENT (If applicable, complete and attach to the Journal Entry.)

SECTION A. Aggravated Habitual Sex Offenders – K.S.A. 21-6626

- Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (K.S.A. 21-6626)
Imprisonment for life without the possibility of parole; not eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

SECTION B. Child Sex Offenses – K.S.A. 21-6627

Is offender being sentenced pursuant to K.S.A. 21-6627 where offender is 18 years of age or older and the victim less than 14 years of age?

(CHECK ONLY ONE)

First Offense

- Downward departure to guidelines, subject to provisions of K.S.A. 21-6818; lifetime postrelease supervision. State v. Ballard, 289 Kan. 1000 218 P.3d 432 (2009) **(Complete Section V – Departure Information, page 3 of Journal Entry of Judgment.)**
- Mandatory minimum of Hard 25 years (300 months) or _____ months pursuant to guidelines, given offender’s criminal history, whichever is greater; lifetime parole. K.S.A. 22-3717(u).

Second Offense

- Mandatory minimum of Hard 40 years (480 months) or _____ months pursuant to guidelines, given offender’s criminal history, whichever is greater; lifetime parole. K.S.A. 22-3717(u).

Third Offense – see Section A. above, Aggravated Habitual Sex Offender – Life Imprisonment Without Parole.

**SECTION C. Downward Departure K.S.A. 21-6818 for a Crime of Extreme Sexual Violence
(NO downward dispositional departure allowed)**

Downward durational departure limited to 50% of middle of the sentencing range? Yes No

SECTION D. Sexually Violent Crime - K.S.A. 22-3717(d)(2)

Was offender convicted of a sexually violent crime, but was not sentenced pursuant to K.S.A. 21-6627?

- Yes – Lifetime postrelease supervision (K.S.A. 22-3717(d)(1)(G))
- No – Postrelease supervision term as otherwise indicated by law

Comments:

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Case No. _____

OFFENDER REGISTRATION SUPPLEMENT – K.S.A. 22-4901 et seq.
(If applicable, complete both pages and attach to the Journal Entry.)

(PAGE 1 of 2)

SECTION A. REGISTRATION REQUIREMENT - Check appropriate boxes to indicate the REASON for registration.
See K.S.A. 22-4902(a)

Offender required by court order to register for an offense not otherwise required as provided by the Kansas Offender Registration Act

_____ Enter age of victim (K.S.A. 22-4904(a)(4))

Offender required to register due to **SEX OFFENDER** status as indicated by any of the following:

Conviction of any of the following crimes:

- Sexual Battery – K.S.A. 21-5505(a)
- Any conviction for any comparable offense
- Any attempt, conspiracy or criminal solicitation of a comparable crime

Conviction of any of the following crimes when one of the parties involved is under 18 years of age:

- | | |
|---|---|
| <input type="checkbox"/> Adultery – K.S.A. 21-5511 | <input type="checkbox"/> Criminal Sodomy - K.S.A. 21-5504(a) |
| <input type="checkbox"/> Promoting Prostitution – K.S.A. 21-6420 | <input type="checkbox"/> Buying Sexual Relations – K.S.A. 21-6421 |
| <input type="checkbox"/> Lewd and Lascivious Behavior – K.S.A. 21-5513 | <input type="checkbox"/> Conviction for any comparable offense |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of an offense defined in this section | |

Conviction of any of the following sexually violent crimes or adjudication as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime, UNLESS the court finds on the record that the act involved non-forcible sexual conduct, the victim was at least 14 and the offender not more than 4 years older than victim:

- | | |
|--|---|
| <input type="checkbox"/> Indecent Liberties With a Child – K.S.A. 21-5506(a) | <input type="checkbox"/> Criminal Sodomy – K.S.A. 21-5504(a)(3),(a)(4) |
| <input type="checkbox"/> Rape – K.S.A. 21-5503 | <input type="checkbox"/> Indecent Solicitation of a Child – K.S.A. 21-5508 |
| <input type="checkbox"/> Agg. Indecent Liberties With a Child – K.S.A. 21-5506(b) | <input type="checkbox"/> Sexual Exploitation of a Child – K.S.A. 21-5510 |
| <input type="checkbox"/> Agg. Criminal Sodomy – K.S.A. 21-5504(b) | <input type="checkbox"/> Commercial Sexual Exploitation of a Child – K.S.A. 21-6422 |
| <input type="checkbox"/> Agg. Indecent Solicitation of a Child – K.S.A. 21-5508(b) | <input type="checkbox"/> Agg. Incest – K.S.A. 21-5604(b)(1) |
| <input type="checkbox"/> Agg. Sexual Battery – K.S.A. 21-5505(b) | <input type="checkbox"/> Unlawful Sexual Relations - K.S.A. 21-5512 |
| <input type="checkbox"/> Electronic Solicitation – K.S.A. 21-5509 | |
| <input type="checkbox"/> Agg. Human Trafficking, if committed in whole or in part for the purpose of sexual gratification of the defendant or another - K.S.A. 21-5426(b) | |
| <input type="checkbox"/> Any conviction for any comparable offense | |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of a sexually violent crime | |
| <input type="checkbox"/> Any act determined beyond a reasonable doubt to have been sexually motivated AND the act did <u>not</u> involve non-forcible sexual conduct between a victim at least 14 and offender no more than 4 years older than victim – K.S.A. 22-4902 (c)(15) | |

Offender required to register due to **VIOLENT OFFENDER** status (Indicated by conviction of any of the following crimes):

- | | |
|---|---|
| <input type="checkbox"/> Capital Murder – K.S.A. 21-5401 | <input type="checkbox"/> Murder in the First Degree – K.S.A. 21-5402 |
| <input type="checkbox"/> Murder in the Second Degree - K.S.A. 21-5403 | <input type="checkbox"/> Voluntary Manslaughter - K.S.A. 21-5404 |
| <input type="checkbox"/> Involuntary Manslaughter - K.S.A. 21-5405(a)(1), (a)(2) or (a)(4) | <input type="checkbox"/> Kidnapping - K.S.A. 21-5408(a) |
| <input type="checkbox"/> Agg. Kidnapping - K.S.A. 21-5408(b) | <input type="checkbox"/> Criminal Restraint - K.S.A. 21-5411 |
| <input type="checkbox"/> Agg. Human Trafficking, if not committed in whole or in part for the purpose of sexual gratification of the defendant or another – K.S.A. 21-5426(b) | (except by parent, and only when victim is less than 18 years of age) |
| <input type="checkbox"/> Any conviction for any comparable offense | |
| <input type="checkbox"/> Any out of state conviction for an offense that under the laws of Kansas would be an offense listed in this section | |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of an offense defined in this section | |
| <input type="checkbox"/> Any person felony with court finding on the record that such felony was committed with a DEADLY WEAPON (On or after July 1, 2006) | |
| <input type="checkbox"/> Any conviction for any comparable person felony, committed with a DEADLY WEAPON | |
| <input type="checkbox"/> Any attempt, conspiracy or criminal solicitation of a person felony committed with a DEADLY WEAPON | |

Offender required to register due to **DRUG OFFENDER** status (Indicated by conviction of any of the following crimes):

- Manufacture** or attempted manufacture of any controlled substance – K.S.A. 21-5703
- Possession of precursors** with intent to manufacture any controlled substance – K.S.A. 21-5709(a)
- Cultivation, Distribution, Possession** with intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1) – K.S.A. 21-5705(a)(1), **ONLY**
- Any conviction for any comparable offense
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Case No. _____

OFFENDER REGISTRATION SUPPLEMENT CONT. – K.S.A. 22-4901 et seq.

(PAGE 2 of 2)

SECTION B. REGISTRATION TERMS - check appropriate boxes indicating REQUIRED TERM of registration

See K.S.A. 22-4906

Offender must register for 15 YEARS after the date of parole, discharge or release, whichever date is most recent, or, if offender is not confined, 15 YEARS from the date of conviction due to conviction of any of the following crimes:

- Capital Murder - K.S.A. 21-5401
- Murder in the First Degree – K.S.A. 21-5402
- Murder in the Second Degree – K.S.A. 21-5403
- Voluntary Manslaughter – K.S.A. 21-5404
- Involuntary Manslaughter – K.S.A. 21-5405(a)(1), (a)(2) or (a)(4)
- Sexual Battery- K.S.A. 21-5505(a)
- Criminal Restraint – K.S.A. 21-5411 (except by parent, and only when victim is less than 18 years of age)
- Any act determined beyond a reasonable doubt to have been sexually motivated AND the act did not involve non-forcible sexual conduct between a victim at least 14 and offender no more than 4 years older than victim – K.S.A. 22-4902(a)(15)
- Any conviction of a person felony w/ court finding on the record that such felony was committed with a **DEADLY WEAPON-** K.S.A. 22-4902(e)(2)
- An offense not otherwise required, as provided by the Kansas Offender Registration Act, K.S.A. 22-4902(a)(5)
- Manufacture** or attempted manufacture of any controlled substance – K.S.A. 21-5703
- Possession of precursors** with intent to manufacture any controlled substance – K.S.A. 21-5709(a)
- Cultivation, Distribution, Possession** with intent to distribute opiates, opium or narcotic drugs or any stimulant in K.S.A. 65-4107(d)(1), (d)(3), or (f)(1) K.S.A. 21-5705(a)(1) **ONLY**
- Any of the following crimes when one of the parties is **less than 18 years of age**:
 - Adultery - K.S.A. 21-5511
 - Buying Sexual Relations – K.S.A. 21-6421
 - Lewd and Lascivious Behavior – K.S.A. 21-5513
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Offender must register for 25 YEARS after the date of parole, discharge or release, whichever date is most recent, or, if offender is not confined, 25 YEARS from the date of conviction due to conviction of any of the following crimes:

- Indecent Solicitation of a Child – K.S.A. 21-5508
- Electronic Solicitation – K.S.A. 21-5509
- Agg. Incest – K.S.A. 21-5604(b)(1)
- Indecent Liberties With a Child – K.S.A. 21-5506(a)
- Unlawful Sexual Relations – K.S.A. 21-5512
- Agg. Sexual Battery – K.S.A. 21-5505(b)
- Sexual Exploitation of a Child – K.S.A. 21-5510, if the victim is at least 14 years of age but less than 18 years of age
- Promoting Prostitution – K.S.A. 21-6420, if the victim is at least 14 years of age but less than 18 years of age
- Criminal Sodomy - K.S.A. 21-5504(a) when one of the parties involved is less than 18 years of age
- Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Offender is subject to LIFETIME registration due to any of the following:

- 2nd or Subsequent conviction of an offense requiring registration
- Conviction of any of the following crimes:
 - Rape – K.S.A. 21-5503
 - Agg. Kidnapping – K.S.A. 21-5408(b)
 - Kidnapping – K.S.A. 21-5408(a)
 - Agg. Criminal Sodomy – K.S.A. 21-5504(b)
 - Criminal Sodomy – K.S.A. 21-5504(a)(3) or (a)(4)
 - Agg. Indecent Liberties With a Child – K.S.A. 21-5506(b)
 - Agg. Indecent Solicitation of a Child – K.S.A. 21-5508(b)
 - Agg. Human Trafficking – K.S.A. 21-5426(b)
 - Sexual Exploitation of a Child – K.S.A. 21-5510, if the victim is less than 14 years of age
 - Commercial Sexual Exploitation of a Child – K.S.A. 21-6422
 - Promoting Prostitution – K.S.A. 21-6420, if the victim is less than 14 years of age
 - Any attempt, conspiracy or criminal solicitation of an offense defined in this section

Duration determined by diversionary agreement, probation order or juvenile sentencing order: ____ years ____ months (K.S.A. 22-4906(i))