



Journal Entry: Dos and Don'ts

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Overview of Training

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Introduction to KSSC



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graph TD; A[Introduction to KSSC] --> B[Journal Entry Basics]; B --> C[FAQ]; C --> D[Common Errors]; D --> E[KSSC Resources];
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Journal Entry Basics

FAQ

Common Errors

KSSC Resources

What is the Kansas Sentencing Commission?

- ▶ Established in 1989 with passage of K.S.A. 74-9101
- ▶ Senate Bill 50, which became law in 1989, established the Kansas Sentencing Commission, and directed the Commission to: "Develop a sentencing guidelines model or grid based on fairness and equity and...provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices."
- ▶ The philosophy of the Kansas Sentencing Commission is that criminal sentences should be imposed fairly, rationally and consistently, and that incarceration should be reserved for the most serious offenders.

1991 proposed drug grid

Sentencing Range - Drug Offenses

	A	B	C	D	E	F	G	H	I
Severity Level	3+Person	2 Person	1 Person + 1 Non-person	1 Person	3+ Non-person	2 Non-Person	1 Non-Person	2+ Mis-demeanor	No Record
I	227 216 205	218 207 196	208 198 188	199 189 179	189 180 171	185 176 167	180 171 162	176 167 158	171 162 153
II	92 87 82	86 81 76	80 76 72	75 71 67	69 65 61	66 62 58	63 60 57	60 57 54	57 54 51
III	57 54 51	52 49 46	47 44 41	40 38 36	35 33 31	29 27 25	26 24 22	21/20/19	18/17/16
IV	47 44 41	40 38 36	35 33 31	29 27 25	24 22 20	20 19 18	18 17 16	15 14 13	13 12 11

Legend

 Presumptive Incarceration

 Presumptive Probation

SNTRGDG2

KSSC Agency Mission

To develop monitoring procedures and reporting methods to evaluate the guideline sentencing system where public safety is the focus; to advise and consult in developing mechanisms to link sentencing practices with correctional resources and policies; and to determine the impact of guidelines on the state's prison population. Agency resources are devoted to this mission at the direction of the Commission.

WHAT DO WE DO?

Desk Reference Manual

Annual Report

Involvement with legislative process

Impact Statements

Respond to Research Requests

Administer SB 123 and RAFT programs

Training for Criminal Justice groups

Staff Attorney email for questions (KSSCAAttorney@ks.gov)

COMMISSION MEMBERS

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Honorable W. Lee Fowler, Chair

District Judge, 5th Judicial District

Honorable Benjamin Sexton, Vice Chair

District Judge, 8th Judicial District

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Office of Judicial Administration

Why do Journal Entries Matter?

Proof of Sentencing

Proof for PSI Writers if conviction in the future

Proof for Insurance

Proof for Law Enforcement

Important for Data Purposes

- Legislative Impact Statements
- Prison Population Projections
- Prison Population Monthly Reports

What do you do if you
have questions while filling
in the Journal Entry?

Sentencing Forms
are updated by
KSSC every year

2022 Forms

- ▶ [2022 Journal Entry of Judgment](#)
- ▶ Legislative changes
 - ▶ Example, felony DUI, specialty courts, etc.
 - ▶ [Highlighted explainer](#) for changes



Process of Completing a JE

What is the
KBI number?

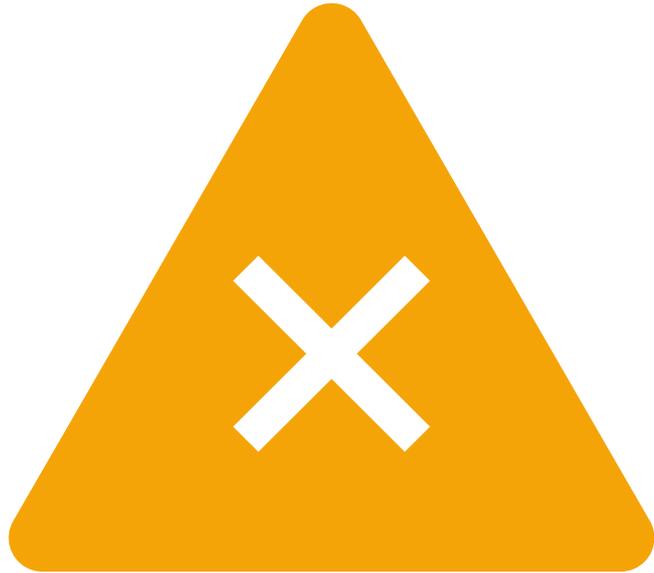
The date of offense controls selection of the Presentence Investigation (PSI) and Journal Entry (JE) forms. Each year the Kansas Sentencing Commission modifies these forms to comport with the laws and special sentencing rules in effect beginning July 1 of that year. Therefore, when completing a PSI or journal entry form make sure that the year of the form corresponds with the laws in effect for the date of offense.

Examples: For an offense committed on May 1, 2001, complete the 2000 journal entry form. For an offense committed October 7, 1996, the 1996 journal entry form should be completed.

However, when using the Probation Violation Journal Entry (PVJE) form, the most recent version should be used, regardless of the date of the offense.



Where do
you sum up
the plea
information?



How do you
correct an error
after reporting?

FAQ

Jail Credit Computation

Jail Credits on Sentencing JE

- ▶ K.S.A. 2021 Supp. 21-6615(a) Deduction of time spent in confinement, residential facility, conservation camp or community correctional residential services program.
(a) In any criminal action in which the defendant is convicted, the judge, if the judge sentences the defendant to confinement, shall direct that for the purpose of computing defendant's sentence and parole eligibility and conditional release dates thereunder, that such sentence is to be computed from a date, to be specifically designated by the court in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time which the defendant has spent incarcerated pending the disposition of the defendant's case. In recording the commencing date of such sentence the date as specifically set forth by the court shall be used as the date of sentence and all good time allowances as are authorized by the secretary of corrections are to be allowed on such sentence from such date as though the defendant were actually incarcerated in any of the institutions of the state correctional system.

Jail Credit on Multiple Cases

Jail Credit on Multiple Cases

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- ▶ K.S.A. 2018 Supp. 21-6615, formerly K.S.A. 21-4614, requires the sentencing judge to award a defendant credit for time spent in custody while awaiting disposition of his case. *State v. Denney*, 278 Kan. 643, 648, 101 P.3d 1257 (2004).
- ▶ But “ ‘[a] defendant is not entitled to credit on a sentence for time which he has spent in jail upon other, distinct, and wholly unrelated charges.’ ” **1045 *Denney*, 278 Kan. at 648, 101 P.3d 1257 (quoting *Campbell v. State*, 223 Kan. 528, Syl. ¶ 2, 575 P.2d 524 [1978]).
- ▶ Summarizing the applicable principles, the Denney court held: “ **‘The provisions of K.S.A. 21-4614 are mandatory and require that a criminal defendant sentenced to incarceration be given credit for all time spent in custody solely on the charge for which he is being sentenced.’** ” (Emphasis added.) 278 Kan. at 648, 101 P.3d 1257 (quoting *State v. Calderon*, 233 Kan. 87, 97, 661 P.2d 781 [1983]).” See *State v. Smith*, 309 Kan. 977, 981, 441 P.3d 1041 (2019).

Jail Credit on Multiple Cases

▶ **Defendant is only entitled to credit on single sentence**

- ▶ For four decades, the Kansas Supreme Court has interpreted K.S.A. 2020 Supp. 21-6615(a)'s reference to time spent “pending the disposition of the defendant's case” to mean that a defendant earns jail-time credit for “all time spent in custody solely on the charge for which he is being sentenced.” (Emphasis added.) *State v. Calderon*, 233 Kan. 87, 97, 661 P.2d 781 (1983) (interpreting K.S.A. 21-4614, the predecessor statute to K.S.A. 2020 Supp. 21-6615). Thus, a defendant “ ‘is not entitled to credit on a sentence for time which he has spent in jail upon other, distinct, or wholly unrelated charges.’ ” *State v. Smith*, 309 Kan. 977, 981, 441 P.3d 1041 (2019). Kansas courts have consistently adhered to this interpretation. See *Smith*, 309 Kan. at 981; *State v. Harper*, 275 Kan. 888, 890, 69 P.3d 1105 (2003); *Calderon*, 233 Kan. at 98; see also *State v. Richardson*, 46 Kan. App. 2d 801, 803, 264 P.3d 1048 (2011) (“Jail time credit can be earned only for time spent in jail solely on the account of the offense for which the defendant is being sentenced.”), rev. denied 294 Kan. 947 (2012); *State v. Devaney*, No. 110,866, 2015 WL 3632131, at *2 (Kan. App. 2015) (unpublished opinion) (holding court did not err in denying defendant jail credit when his jail term was not incurred solely on the charge for which he was sentenced), rev. denied 303 Kan. 1079 (2016); *State v. Baringer*, No. 106,525, 2012 WL 2476994, at *1 (Kan. App. 2012) (unpublished opinion) (same), rev. denied 296 Kan. 1131 (2013). *State v. Whiteeagle*, No. 122,617, 2021 WL 3042412 at *2. (Kan. App. 2021)(unpublished opinion).

State v. Whiteeagle

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- ▶ In jail for 2 separate cases (current case and drug possession case)
- ▶ Drug case dismissed
- ▶ In jail for a total of 294 days; district court gave him credit for 98 days (the days that he was in custody solely for the current case)

“For almost 40 years, our Kansas Supreme Court has interpreted Kansas statutes to state that a person is only entitled to receive jail-time credit for the time spent incarcerated solely for the charges associated with the defendant's sentence. We find no indication that the court is inclined to change this position, particularly in light of its recent statements in *Smith* evincing its reluctance to do so.

Based on this precedent, we are compelled to affirm the district court's calculation of jail-time credit. Whiteeagle was being held in jail between May 15 and November 24, 2019, for charges additional to (and separate from) the charges in the case for which he was eventually sentenced. In other words, those 196 days in jail were not solely attributable to the aggravated-kidnapping case.” *State v. Whiteeagle*, No. 122,617, 2021 WL 3042412 at *3. (Kan. App. 2021) (unpublished opinion).

Pending cases in the same county resulting in probation and prison....

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- ▶ 2 pending cases in the same county, defendant sentenced at the same time to probation in one and prison in the other
- ▶ Judge applied all jail credits to probation sentence instead of prison sentence
- ▶ District Court has discretion to apply jail credits to probation sentence
- ▶ We conclude K.S.A. 2018 Supp. 21-6615(a) does not mandate a district court to apply jail time credits earned to the prison sentence chosen by the defendant when a defendant has two separate cases pending in the same county and the defendant was sentenced to prison sentences on both cases but granted probation in one case. *State v. Bennett*, No. 119,185, 2019 WL 4126567 at *10 (Kan. App. 2019) (unpublished opinion) (rev. denied August 30, 2020).

State v. Grizzle

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- ▶ In jail for 2 separate cases (2016 case and 2017 case)
- ▶ Pled guilty and was sentenced to **prison** in 2016 case first; remained in jail while 2017 case was pending
- ▶ 186 days later, pled guilty and was sentenced to **probation** in 2017 case
- ▶ Defendant asked court to credit him in the 2016 case with the 186 days he remained in jail while the 2017 case was pending
- ▶ Court instead gave him the 186 credit in the 2017 case

The court must award jail time credit for “the time which the defendant has spent incarcerated pending the disposition of the defendant's case.” See *State v. Grizzle*, No. 118,088, 2018 WL 3486561 at *3 (Kan. App. 2018) (unpublished opinion) (rev. denied March 27, 2019). The district court could not have assigned this time to 16 CR 125. See *id.* at 3. Under K.S.A. 2017 Supp. 21-6615(a), a court must award jail time credit for “the time which the defendant has spent incarcerated pending the disposition of the defendant's case.” (Emphasis added.) *Id.* After the court imposed a sentence in 16 CR 125 on February 22, 2017, any time Grizzle spent in jail was not spent pending disposition in that case. *Id.*

- ▶ Time awaiting transport to DOC is not time spent pending disposition in that case.

Jail Credit on PVJE

- ▶ K.S.A. 2021 Supp. 21-6615(b) In any criminal action in which probation, assignment to a conservation camp or assignment to community corrections is revoked and the defendant is sentenced to confinement, for the purpose of computing the defendant's sentence and parole eligibility and conditional release date, the defendant's sentence is to be computed from a date, hereafter to be specifically designated in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time which the defendant has spent in a residential facility while on probation, assignment to a conservation camp or assignment to community correctional residential services program. The commencing date of such sentence shall be used as the date of sentence and all good time allowances as are authorized by law are to be allowed on such sentence from such date as though the defendant were actually incarcerated in a correctional institution.

Time spent in jail on PV

- ▶ Probation violation; sanctioned to 60 days in jail
- ▶ The state prepared a journal entry that didn't reflect jail credit time
- ▶ KSSC advised that the incarceration credit box "should only be completed if the offender is being revoked to prison."
- ▶ Our statutes do not require a district court to include jail credit time in a probation violation journal entry unless the district court revokes probation and orders confinement. *State v. Moss-Barrett*, No. 122,360, 2021 WL 401955 at *1 (Kan. App. 2021) (unpublished opinion) (rev. denied August 27, 2021).
- ▶ If the district court revokes Moss-Barrett's probation and imposes her sentence, the journal entry of revocation shall state the total number of days of jail credit awarded, including any time served as a sanction before revocation of probation. *Id.* at *2.

Time Spent in Jail on Probation Violation (60 Day Sanction)

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- ▶ Defendant violated probation, given 60-day probation violation sanction
- ▶ Spent 65 days in jail awaiting PV hearing; district court awarded that time to his underlying sentence and not his 60-day jail sanction, so he had to serve the additional 60 days
- ▶ The lack of similar language stating that the 60-day jail sanction begins “upon pronouncement by the court” suggests that the Legislature purposefully excluded that language. The Legislature noted that the 60-day sanction “is separate and distinct” from the intermediate sanctions. K.S.A. 2018 Supp. 22-3716(c)(11). *State v. Chardon*, 57 Kan.App.2d 177, 182, 449 P.3d 1224 (Kan. App. 2019).
- ▶ In other words, how the Legislature created these sanctions leads us to believe that an offender must receive credit for time served in jail awaiting disposition of a probation violation motion. The Legislature withheld jail credit for some penalties, but not all. This sanction is one that calls for credit. *Id.* at 182.



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QUESTIONS?

KSSC Resources

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THANK
YOU!