

For Court Use Only (Seal)

2008 KANSAS SENTENCING GUIDELINES JOURNAL ENTRY OF JUDGMENT

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 Counsel Name (please print) _____			
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"/> <i>Nolo contendere</i> 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: _____	
2. K.S.A. Title, Section, Subsection(s): <input type="checkbox"/> Attempt (K.S.A. 2006 Supp. 21-3301.) <input type="checkbox"/> Conspiracy (K.S.A. 2006 Supp. 21-3302.) <input type="checkbox"/> Solicitation (K.S.A. 2006 Supp. 21-3303.)	
3. 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	
4. Offense Category: <input type="checkbox"/> Nondrug <input type="checkbox"/> Drug <input type="checkbox"/> Off-grid <input type="checkbox"/> Nongrid	
5. 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 Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729. <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(c) and (d). PLEASE USE AN ADDITIONAL OFFENSES PAGE FOR ADDITIONAL OFFENSES OF CONVICTION.

6. 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): Number(s) _____ Description(s) _____

7. Did the Court make a **SPECIAL FINDING** that the crime was SEXUALLY MOTIVATED pursuant to the KS Offender Registration Act, K.S.A. 2006 Supp. 22-4902 (c)(14)? Yes No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

8. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?** (K.S.A. 2006 Supp. 21-4642.) Yes No
IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

9. Is offender being sentenced pursuant to K.S.A. 2006 Supp. 21-4643 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 THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.**

10. Downward departure [K.S.A. 21-4719(a)] for a crime of extreme sexual violence (defined in K.S.A. 21-4716)? Yes No
IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

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

12. Was offender convicted of a violation of K.S.A. 65-4159 (manufacture or attempted manufacture) or K.S.A. 65-7006 (possession of precursors with intent to manufacture)? Yes No
IF YES, was there a finding by the Court that such manufacture or possession was for personal use? Yes No
IF NO, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

13. Was offender convicted of a violation of K.S.A. 65-4161 (sale, possession w/ intent to sell)? Yes No
IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.

SENTENCE IMPOSED:

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

2. **Prison Term:** KDOC ____ months
 (Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted
 or Underlying with KDOC Trtmnt Prog. (min. 120 days)
 Off-grid Crime:
 Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 10 Hard 25 Hard 40
 Mandatory minimum years = 50 years (600 months) or ____ months pursuant to guidelines, given offender's criminal history, whichever is greater
 Life Imprisonment without Parole Death Penalty

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) - **COMPLETE SECTION IV**
 No Postrelease Lifetime

4. **County Jail:** (For misdemeanor or nongrid felony.) ____ months days
 (Enter county jail term above then check one of the following) Jail sentence imposed or, Underlying with probation granted.
 3rd D.U.I. 4th or Subsequent D.U.I. (w/12 month postrelease) 3rd or Subs. Domestic Battery (w/in 5 yrs.) Animal Cruelty
 Probation granted after serving term of ____ months days

5. **Probation Term (If Granted):** 12 months 18 months 24 months 36 months 60 months
 Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729. Other:
 Extended Period under K. S. A. 21-4611 (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: Yes No

Comments:

SECTION IV. 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 sex offense) – K.S.A. 2006 Supp. 22-3717(d)(1)(D)(i)
 [“Sexually motivated” defined in K.S.A. 2006 Supp. 22-3717(d)(2).]

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

SECTION V. OTHER CONDITIONS

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

2. **Costs Ordered:**

Total Restitution (Please complete #3 below.)	\$ _____	Probation Fee	\$ _____
Total Court Costs	\$ _____	BIDS Attorney Fee	\$ _____
Total Fines	\$ _____	BIDS Administrative Fee	\$ _____
DNA Database Fee (K.S.A. 2006 Supp. 21-2511 & 75-724.)	\$ _____	Community Corrections Fee (offenses after 1/4/07)	\$ _____
Extradition Costs	\$ _____	Booking/Fingerprint Fee	\$ _____
Domestic Violence Special Program Fee	\$ _____	Reward Reimbursement	\$ _____
Apprehension Fee (Escape/Agg. Escape)	\$ _____	Children's Advocacy Center Assessment Fee	\$ _____
Alcohol and/or Drug Evaluation Fee	\$ _____	Medical Costs/Expenses Reimbursement	\$ _____
Witness Fee	\$ _____	Court-Appointed Attorney Fee	\$ _____
KBI Lab Fee	\$ _____	Other: _____	\$ _____
Other Lab Fee	\$ _____	Other: _____	\$ _____
TOTAL COSTS			\$ _____

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

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

SECTION VI: 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 or KDOC intensive treatment program - min. 120 days): _____
[] For each count, the Court pronounced the complete sentence, including the maximum potential good time percentage.
K.S.A. 21-4704(e)(2) and 21-4705(c)(2).

2. Postrelease Supervision Term: [] 12 months [] 24 months [] 36 months [] 60 months [] No Postrelease [] Lifetime

3. Probation Term Imposed (select one): [] 12 months [] 18 months [] 24 months [] 36 months [] 60 months
[] Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729. [] Correctional Conservation Camp
[] Extended Period under K. S. A. 21-4611 (c)(5) for: _____ months
[] Other:

4. Jail Credit Enter dates (m/d/yy only) and days of potential jail credit 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)

Table with 4 columns: *Location-, From:, To:, =, Days, [] A, [] N. Repeated 4 times.

*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)

Sentencing Date: _____ - Total Number of Days of Jail Credit Actually Awarded _____ = Sentence Begins Date: _____

5. 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:

6. Miscellaneous Provisions:

- [] Defendant informed of right to appeal within 10 days of this date. K.S.A. 22-3608. (Required by case law.)
[] Defendant informed of potential rights of expungement under K.S.A. 2006 Supp. 21-4619. K.S.A. 2006 Supp. 21-4619(g).
[] Defendant informed of duty to register as an offender pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq. (Please complete OFFENDER REGISTRATION SUPPLEMENT and attach it to the Journal Entry.) K.S.A. 2006 Supp. 22-4905(b)(2).
[] Defendant must submit specimens of blood or an oral or other biological sample pursuant to K.S.A. 2006 Supp. 21-2511, if not previously submitted. K.S.A. 2006 Supp. 21-2511(c).
[] Defendant must obtain psychological evaluation and shall complete the recommended treatment pursuant to K.S.A. 2006 Supp. 22-3717(d)(1)(D)(iv).
[] Defendant has been processed, fingerprinted and palmprinted. K.S.A. 2007 Supp. 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).
[] Other Comments:

7. **Border Box Findings** K.S.A. 2006 Supp. 21-4704(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

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

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

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

11. **Additional Comments:**

SECTION VII. 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: _____

1. **Name of Additional Offense of Conviction:**

Count No.: _____ Date of Offense: _____

2. **Sentences Concurrent or Consecutive:** Concurrent Consecutive **To Count(s):** _____

3. **K.S.A. Title, Section, Subsection(s):**

Attempt (K.S.A. 2006 Supp. 21-3301) Conspiracy (K.S.A. 2006 Supp. 21-3302) Solicitation (K.S.A. 2006 Supp. 21-3303)

4. **Grade of Offense:**(Check one in each row.) Felony, Severity Level _____ Misdemeanor, Class: _____

Person Nonperson

5. **Offense Category:** Nondrug Grid Drug Grid Off-grid Nongrid

6. **Presumptive Sentencing Range (Use Criminal History Classification "I" for non-primary convictions.):**

(Enter the terms from the appropriate grid.) Aggravated _____ Standard _____ Mitigated _____

(Check the appropriate box(es).) Presumptive Prison Presumptive Probation Border Box

Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729.

Special Rule Applies **(Complete Special Rule Supplemental Page and Attach)**

7. **SPECIAL RULES** Enter the **number(s) and brief description(s)** corresponding to the applicable special rule, if any **(Complete Special Rule Supplemental Page and Attach):** Number(s): _____

Description(s): _____

8. Did the Court make a special finding that the crime was **SEXUALLY MOTIVATED** pursuant to KS Offender Registration Act K.S.A. 2006 Supp. 22-4902 (c)(14)? Yes No **IF YES, PLEASE COMPLETE OFFENDER REGISTRATION SUPPLEMENT/ATTACH TO JOURNAL ENTRY.**

9. Was offender determined by the Court to be an **AGGRAVATED HABITUAL SEX OFFENDER?**(K.S.A. 2006 Supp. 21-4642.) Yes No **IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.**

10. Is offender being sentenced pursuant to K.S.A. 2006 Supp. 21-4643 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 THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.**

11. Downward departure [K.S.A. 21-4719(a)] for a crime of extreme sexual violence (defined in K.S.A. 21-4716)? Yes No **IF YES, PLEASE COMPLETE THE SEX CRIME SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.**

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

13. Was offender convicted of a violation of K.S.A. 65-4159 (manufacture or attempted manufacture) or K.S.A. 65-7006 (possession of precursors with intent to manufacture)? Yes No **IF YES, was there a finding by the Court that such manufacture or possession was for personal use?** Yes No **IF NO, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.**

14. Was offender convicted of a violation of K.S.A. 65-4161 (sale, possession w/ intent to sell)? Yes No **IF YES, PLEASE COMPLETE THE OFFENDER REGISTRATION SUPPLEMENT AND ATTACH IT TO THE JOURNAL ENTRY.**

SENTENCE IMPOSED:

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

2. **Prison Term:** KDOC _____ months

(Enter months above then check one of the following) Prison sentence imposed or Underlying with probation granted or Underlying with KDOC Trtmnt Prog. (min. 120 days)

Off-grid Crime:

Life - Minimum 15 yrs. Life - Minimum 20 yrs. Hard 10 Hard 25 Hard 40

Mandatory minimum years = 50 years (600 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater

Life Imprisonment without Parole Death Penalty

3. **Postrelease Supervision Term:** 12 months 24 months 36 months 60 months (sex offense) - **COMPLETE SECTION IV**
 No Postrelease Lifetime

4. **County Jail:** (For misdemeanor or nongrid felony.) _____ months days
(Enter county jail term above then check one of the following) Jail sentence imposed or, Underlying with probation granted.

3rd D.U.I. 4th or Subsequent D.U.I. (w/12 month postrelease) 3rd or Subs. Domestic Battery (w/in 5 yrs.) Animal Cruelty
 Probation granted after mandatory term of _____ months days

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

Mandatory Drug Treatment for up to 18 months. K.S.A. 2006 Supp. 21-4729.
 Extended Period under K. S. A. 21-4611 (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: Yes No

Comments:

6. **Additional Comments:**

SPECIAL RULES SUPPLEMENTAL PAGE (IF APPLICABLE, check box of the special rule that applies and include this page with the corresponding count. Additional copies may be made as needed.) PLEASE DO NOT RENUMBER THIS PAGE.) A special rule that changes the presumptive sentence, without constituting a departure, is applicable to this court because:

PUBLIC SAFETY OFFENSES APPLY:

1. **Person Felony Committed With a Firearm** – presumed prison. K.S.A. 2006 Supp. 21-4704(h).
2. **Aggravated Battery of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. K.S.A. 2007 Supp. 21-4704(g).
3. **Aggravated Assault of a L.E.O.**, if criminal history is 6H or 6I – presumed prison. K.S.A. 2006 Supp. 21-4704(g).
4. **Crime Committed for Benefit of a Criminal Street Gang** – presumed prison. K.S.A. 2006 Supp. 21-4704(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. 2006 Supp. 38-2347 and 38-2364.

HABITUAL OR REPEAT OFFENSES APPLY:

5. **Persistent Sex Offender**, if current conviction is presumed prison – double the maximum duration. K.S.A. 2006 Supp. 21-4704(j).
12. **Second or Subsequent Manufacture of a Controlled Substance Conviction** – presumed prison, twice the maximum duration. K.S.A. 2006 Supp. 21-4705(e).
26. **Third or Subsequent Drug Possession, occurring prior to July 1, 2008**, if defendant has completed, been discharged from, or refused to participate in 2003 SB 123 treatment - presumed prison. **If third or subsequent felony drug possession occurs on or after July 1, 2008** - presumed prison. K.S.A. 2008 Supp. 21-4705(f) [Effective July 1, 2008.]
13. **Residential Burglary with a Prior Residential, Nonresidential or Aggravated Burglary Conviction** – presumed prison. K.S.A. 21-4704(l).
27. **Burglary With Two or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary** – presumed prison. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]
29. **Felony Theft With Three or More Prior Convictions for a Felony Violation of Theft, Burglary, or Aggravated Burglary** – presumed prison. K.S.A. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]
30. **For #27 or #29, Substance Abuse Underlying Factor, Tx 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. 2008 Supp. 21-4704(p). [Effective July 1, 2008.]
31. **Third or Sub. Criminal Deprivation of a Motor Vehicle** – presumptive prison. K.S.A. 2008 Supp. 21-4704(n). [Effective July 1, 2008.]
16. **Second Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(3), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2006 Supp. 21-4704(i).
17. **Third or Sub. Forgery**, criminal history I – C, sentenced pursuant to sentencing requirements of K.S.A. 21-3710(b)(4), term of imprisonment not in KDOC. Criminal history A or B, - sentenced for severity level 8, NPF. K.S.A. 2006 Supp. 21-4704(i).
9. **Crime Committed While Incarcerated and Serving a Felony Sentence, or While on Probation, Parole, Conditional Release, or Postrelease Supervision for a Felony** – new sentence shall be imposed pursuant to consecutive sentencing provisions in K.S.A. 2008 Supp. 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 2008 Supp. 21-4603d(f); See also K.S.A. 2008 Supp. 21-4608(e)(2)(serving indeterminate sentence) [Effective July 1, 2008].
28. **Crime 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. 21-4603d(f)(2).
10. **Crime Committed While on Felony Bond** – new sentence may be imposed pursuant to consecutive sentencing provisions in KSA 21-4608 and the court may impose prison even if presumption is nonprison. K.S.A. 21-4603d(f).

NONGRID OFFENSES APPLY:

6. **Felony D.U.I.** (third, fourth or subsequent) – nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 8-1567, term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i).
8. **Felony Domestic Battery** - nongrid, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-3412a(b)(3), term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i)
21. **Animal Cruelty** K.S.A. 2006 Supp. 21-4310(a)(1), K.S.A. 2006 Supp. 21-4310(a)(2-5); Second or subsequent conviction; or **Working/ Assistance dog** – K. S. A. 2006 Supp. 21-4318(c) - nongrid felony, sentenced pursuant to specific mandatory sentencing requirements of K.S.A. 2006 Supp. 21-4310(d), term of imprisonment not to be served in KDOC. K.S.A. 2006 Supp. 21-4704(i).

FINANCE OFFENSES APPLY:

25. **Fraudulent Insurance Act**, any combination of acts occurring within 6 consecutive months involving \$25,000 or more - presumed prison. K.S.A. 2007 Supp. 40-2,118. [Effective July 1, 2007.]
15. **Kansas Securities Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 2005 Supp. 17-12a508(a)(5).
19. **Mortgage Business Act**, Second or Subsequent Conviction – presumed prison. K.S.A. 2006 Supp. 9-2203(c).
20. **Loan Brokers Act**, violation resulting in loss of \$25,000 or more – presumed prison. K.S.A. 50-1013(a).

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

1. Was offender determined by the Court to be an *AGGRAVATED HABITUAL SEX OFFENDER?* (K.S.A. 2006 Supp. 21-4642.) Yes No
IF YES, PLEASE COMPLETE SECTION A. "Aggravated Habitual Sex Offenders".

2. Is offender being sentenced pursuant to K.S.A. 2006 Supp. 21-4643 where offender is 18 years of age or older and the victim less than 14 years of age? Yes No IF YES, PLEASE COMPLETE SECTION B. "Child Sex Offenses".

SECTION A. Aggravated Habitual Sex Offenders – K.S.A. 2006 Supp. 21-4642

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. 2006 Supp. 21-4643

Sentence imposed for sex offenses where offender is 18 years of age or older and the victim is less than 14 years of age.
(CHECK ONLY ONE)

First Offense

- Downward departure to guidelines; lifetime postrelease supervision; lifetime electronic monitoring. (Complete Section IV – 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 postrelease supervision; lifetime electronic monitoring.

Second Offense

- Mandatory minimum of Hard 40 years (480 months) or _____ months pursuant to guidelines, given offender's criminal history, whichever is greater; lifetime postrelease supervision; lifetime electronic monitoring.

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

**SECTION C. Downward Departure [K.S.A. 21-4719(a)] for a Crime of Extreme Sexual Violence (defined in K.S.A. 21-4716)
(NO downward dispositional departure allowed)**

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

Comments:

(If applicable, complete both pages and attach to the Journal Entry.)

SECTION A. REGISTRATION REQUIREMENT - Check appropriate boxes to indicate the REASON for registration. See K.S.A. 2006 Supp. 22-4902(a).

- (a)(1) Offender required to register due to sex offender status (Indicated by conviction of any of the following sexually violent crimes or adjudication as a juvenile offender for an act which is committed by an adult would constitute a sexually violent crime):
- | | |
|---|--|
| <input type="checkbox"/> Rape - K.S.A. 21-3502 | <input type="checkbox"/> Indecent Liberties With a Child - K.S.A. 21-3503 |
| <input type="checkbox"/> Aggravated Indecent Liberties With a Child - K.S.A. 21-3504 | <input type="checkbox"/> Criminal Sodomy - K.S.A. 21-2505(a)(2) and (a)(3) |
| <input type="checkbox"/> Aggravated Criminal Sodomy - K.S.A. 21-3506 | <input type="checkbox"/> Indecent Solicitation of a Child - K.S.A. 21-3510 |
| <input type="checkbox"/> Aggravated Indecent Solicitation of a Child - K.S.A. 21-3511 | <input type="checkbox"/> Sexual Exploitation of a Child - K.S.A. 21-3516 |
| <input type="checkbox"/> Sexual Battery - K.S.A. 21-3518 | <input type="checkbox"/> Aggravated Incest - K.S.A. 21-3603 |
| <input type="checkbox"/> Electronic Solicitation – K. S. A. 21-3523 | |
- Any conviction for any comparable offense in effect prior to effective date of act
 Any federal, military or other state conviction for an offense that under the laws of Kansas would be a sexually violent crime
 Any attempt, conspiracy or criminal solicitation of a sexually violent crime
 Any act which at the time of sentencing has been determined beyond a reasonable doubt to have sexually motivated (i.e. for the purpose of the defendant's sexual gratification.)
- (a)(2) 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. 21-3439 | <input type="checkbox"/> Murder in the First Degree - K.S.A. 21-3401 |
| <input type="checkbox"/> Murder in the Second Degree - K.S.A. 21-3402 | <input type="checkbox"/> Voluntary Manslaughter - K.S.A. 21-3403 |
| <input type="checkbox"/> Involuntary Manslaughter - K.S.A. 21-3404 | |
- Any conviction for any comparable offense in effect prior to effective date of act
 Any federal, military or other state conviction for an offense that under the laws of Kansas would be an offense listed in this section
 Any attempt, conspiracy or criminal solicitation of an offense defined in this section
- (a)(3) Offender required to register due to sexually violent predator status as determined under K.S.A. 59-29a01 et. seq. (On and after July 1, 2001).
- (a)(4) Offender required to register due to conviction of the following crimes wherein the victim is less than 18 years of age:
- | | |
|---|---|
| <input type="checkbox"/> Kidnapping - K.S.A. 21-3420 (except by parent) | <input type="checkbox"/> Aggravated Kidnapping - K.S.A. 21-3421 |
| <input type="checkbox"/> Criminal Restraint - K.S.A. 21-3424 (except by parent) | |
- Any conviction for any comparable offense in effect prior to effective date of act
 Any attempt, conspiracy or criminal solicitation of an offense defined in this section.
- (a)(5) Offender required to register due to conviction of the following sexual conduct wherein one of the parties involved is less than 18 years of age:
- | | |
|--|---|
| <input type="checkbox"/> Adultery - K.S.A. 21-3507 | <input type="checkbox"/> Criminal Sodomy as defined in K.S.A. 21-3505(a)(1) |
| <input type="checkbox"/> Promoting Prostitution - K.S.A. 21-3513 | <input type="checkbox"/> Patronizing a Prostitute - K.S.A. 21-3515 |
| <input type="checkbox"/> Lewd and Lascivious Behavior - K.S.A. 21-3508 | |
| <input type="checkbox"/> Unlawful Sexual Relations - K.S.A. 21-3520 | |
- Any conviction for any comparable offense in effect prior to effective date of act
 Any attempt, conspiracy or criminal solicitation of an offense defined in this section.
- (a)(6) Offender required to register due to registration requirement by federal, military or other state's law or otherwise required.
- (a)(7) Offender required to register due to conviction of person felony with court finding on the record that such felony was committed with a deadly weapon (On and after July 1, 2006).
- Any conviction for any comparable offense in effect prior to effective date of act
 Any attempt, conspiracy or criminal solicitation of an offense defined in this section.
- (a)(10) Offender required to register due to conviction of aggravated trafficking as defined in K.S.A. 2006 Supp. 21-3447 or any attempt, conspiracy or solicitation thereof.
- (a)(11) Offender required to register due to drug conviction (Indicated by conviction of any of the following crimes):
- | |
|--|
| <input type="checkbox"/> Manufacture or attempted manufacture of any controlled substance in violation of K.S.A. 65-4159 |
| <input type="checkbox"/> Possession of precursors with intent to manufacture any controlled substance in violation of K.S.A. 65-7006 |
| <input type="checkbox"/> Sale, possession w/intent to sell opiates, narcotics, stimulants, in violation of K.S.A. 65-4161 |
- Any conviction for any comparable offense in effect prior to effective date of act.

SECTION B. REGISTRATION TERMS - check appropriate boxes indicating REQUIRED TERM of registration
 See K.S.A. 2006 Supp. 22-4906.

SEX OFFENDER, VIOLENT OFFENDER, OR OTHER SELECTED CRIMES (as described in subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) on the previous page):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

FEDERAL, MILITARY OR OUT-OF-STATE JURISDICTIONAL REQUIREMENT (as described in subsection (a)(6) on the previous page):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

DEADLY WEAPON WITH COURT FINDING ON THE RECORD (as described in subsection (a)(7) on the previous page for crime committed on or after July 1, 2006):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

SEXUALLY VIOLENT PREDATOR pursuant to K.S.A. 59-29a01 et. seq. (as described in subsection (a)(3) on the previous page for crime committed on and after July 1, 2001):

- Declared to be a sexually violent predator:** Lifetime Registration

SELECT AGGRAVATED OFFENSES:

- Offender convicted of Rape as defined in K.S.A. 21-3502(a)(1)(A) or (a)(2), Aggravated Criminal Sodomy as defined in K.S.A. 21-3506(a)(1) or (a)(3)(A), or any attempt, conspiracy or solicitation of thereof:** Lifetime Registration

CHILD SEX OFFENSES - Offender is 18 or older and the victim is less than 14 (as described in subsections (a)(1), (a)(4) and (a)(5) on the previous page on and after July 1, 2006) and below:

- Offender convicted of Aggravated Trafficking, Agg. Indecent Liberties (K.S.A. 21-3504(a)(3)), Agg Criminal Sodomy (K.S.A. 21-3506(a)(2)), Promoting Prostitution, Sexual Exploitation of a Child (K.S.A. 21-3516(a)(5) or (a)(6)):** Lifetime Registration

DRUG OFFENSES (Manufacture, attempted manufacture – K.S.A. 65-4159, Possession of Precursors with intent to manufacture a controlled substance – K.S.A. 65-7006, or Sale, Possession w/intent to sell – K.S.A. 65-4161, as described in subsection (a)(11) on previous page):

- First conviction:** Offender not confined = 10 years from date of conviction, OR
 Offender confined = 10 years from date of parole, discharge or release whichever is most recent
- Second or subsequent conviction:** Lifetime Registration

JUVENILE REGISTRATION:

- Adjudicated as a juvenile offender for any crime which if committed by an adult would constitute a sexually violent crime classified as an off-grid or severity level 1 felony:**
- Offender not confined = 5 years from date of adjudication or until the age of 18 whichever is longer, OR
- Offender confined = 5 years from date of release.
- Adjudicated as a juvenile offender for an any crime which if committed by an adult would constitute a sexually violent crime NOT classified as an off-grid or severity level 1 felony - subject to judicial discretion:**
- Option 1:**
- Offender not confined = 5 years from date of adjudication or until the age of 18 whichever is longer
- Offender confined = 5 years from date of release;
- Option 2:** No registration required by court finding on the record;
- Option 3:** Registration as in Option 1 but without public access to registration records.

NONRESIDENT REGISTRATION:

- Nonresident worker** = Duration of such person's employment
- Nonresident student** = Duration of such person's attendance at a school or educational institution.
- Nonresident offender moving into the state** = The same length of time required by sentencing state or for term as indicated by Kansas statute, whichever is longer.