

JOURNAL ENTRIES: COMMON QUESTIONS AND ERRORS COMMON JOURNAL ENTRY ISSUES

- Confusing person/non-person (Ex: Burglary 21-3715(a) Person Level 7; 21-3715(b) Non-person level 7)
- Missing Current Offense Information page (needed to obtain date of birth)
- Incomplete forms
- Conflicting information recorded
- PSI and criminal history worksheet are missing (required to be sent with the journal entry)
- Court stamps that cover data
- Probation Revocation J.E. shows different original sentencing date and sentence received from the original J.E.
- Non-Grid/Off-Grid
- Drug/Non-Drug
- Mark whether prison imposed or underlying if underlying; then complete probation section

FELONY DUI

- Journal Entry does not mention probation sentence but then probation revocation J.E. received
- Use correct terms: "probation" vs. "parole" or "postrelease" vs. "parole"
- Postrelease: 3rd conviction - no postrelease; 4th and subsequent - 12 month postrelease
- Indicate whether the conviction is a 3rd, 4th or subsequent DUI
- Check "non-grid" box
- Jail time assigned for DUI convictions should be recorded on page 2, #4
- For the completion of the Recap portion of the J.E.
 - If the offender is granted probation for a DUI, record the underlying jail time (usually 12 months) in this section, following "total county jail term"
 - If the offender is required to serve 90 days as a condition of probation, record this on page 2, #4

SENATE BILL 123

- "Mandatory Drug Treatment for up to 18 months" on the J.E. pertains only to SB 123 treatment
- If the Court orders SB 123 treatment, mark all applicable boxes: page 1, box #5; page 2, box #5 and page 4, box #3
- Mandatory drug treatment under SB 123 is a specific sentence, not a special rule
- Generally, there is no postrelease for SB 123 offenders; exception, an offender sentenced to SB 123 pursuant to K.S.A. 21-4729(a)(2) who is subsequently revoked from treatment and required to serve the underlying prison sentence (or if special rule or presumptive prison and departed history E thru I)
- SB 123 offenders are supervised by community corrections only
- Do not mark SB 123 if he was given SB 123 for another case. Use only if it pertains to the present case

SPECIAL RULES

- If a special rule applies, make sure to mark it in all applicable spaces
 - In Sentencing Range box, page 1, Section III, #5 – mark "Special Rule Applies"
 - Special rule applicable box page 6, include the number and short description of rule(s)
 - Carry over to additional offense(s) if applicable
- If a special rule applies, complete the Special Rule Supplemental Page and attach it to the J.E.
 - Special Rules are not in numerical order for data coding purposes and should not be renumbered

DEPARTURES

- If the sentence is not in accordance with the guidelines sentencing range, it is a departure and the Departure section of the J.E. must be completed
 - Mark which type(s) of departure and include the Courts reasoning
 - It is not an upward dispositional departure if a special rule applies or a border box finding is made

MULTIPLE CONVICTION CASES

- Primary crime will have full criminal history applied and remaining counts will be scored and sentenced as an "I"
 - If the primary crime is off-grid, then apply full criminal history to the most severe crime on the grid, and category " I " to the remaining counts
- Double rule -- in multiple conviction cases, the total prison term of the consecutive sentences cannot be more than double that of the primary sentence
- Make sure to indicate whether the additional counts are concurrent or consecutive

ANTICIPATORY CRIMES

- If Attempt, Conspiracy or Solicitation is checked, make sure to lower the severity level of the crime or reduce the months accordingly
- If "yes" objection to criminal history -- make sure to answer all questions in this box
- Do not include dismissed case information within submitted journal entries

ORGANIZATION OF JOURNAL ENTRY

- The first page indicates the presumptive sentence information while page two forward indicates the actual sentence imposed by the court
- Make sure to include all relevant sentencing information on page two and in the Recap
- Sentencing Recap is representative of the overall sentence imposed – please complete fully

MISCELLANEOUS

- Make sure to indicate on page 2, #5 any county jail time imposed “as a condition of probation”. DUI jail time as a condition of probation is on section IIII, page 2
- Jail credit -- enter the number of days actually awarded by the Court, indicate whether awarded or not awarded
- Be mindful of dates -- enter the correct ones as they pertain to different time periods, i.e. date of offense, sentencing date, etc
- When listing the K.S.A. of the violation, use correct statute including all relevant sections, subsections, and subparagraphs (Ex: Theft 21-3701; Forgery 21-3710)
 - A conviction for felony theft of property less than \$1000 convicted 2 or more times should be recorded as K.S.A. 21-3701(b)(6)
 - Make sure the statute number corresponds to the written description as well
- The “sentence imposed” section on page 2 is for the primary offense only. Information for additional counts should be recorded on the Supplemental J.E. pages. Do not forget to add the sentences for additional counts to the information recorded on the Recap if consecutive
- Make sure to indicate who will be supervising the offender if probation is granted
- Presentence Investigations -- PSI's are to be used only as a guide for the Court in sentencing the offender. It's the responsibility of the Court, the Prosecutor and the Defense attorney to ensure that the J.E. is completed correctly. Information obtained from the PSI should be reviewed for accuracy before transferring it to any J.E.