

JOURNALIZING FELONIES

We desperately need your assistance in journalizing felonies! We ask that you please provide more detail so that we and supervising agencies can more effectively identify the type of drug involved, as well as conditions that must be met by the offender.

Recent recodification placed opiates within the same statutes as other drugs with regard to possession (*K.S.A. 21-36a06, formerly K.S.A. 65-4160 and 65-4162*) and distribution violations (*K.S.A. 21-36a05, formerly K.S.A. 65-4161 and 65-4163*).

This is not only a data issue for the Sentencing Commission, but is also an issue for supervising agencies, as registration is required for opiate distribution, but not for other types of distribution.

Thank you for your continued cooperation.



SB 123 UPDATE

FY 2010 SB 123

Assessment and Expenditure data to June 30, 2010.

[View the report.](#)

SB123

FLOWCHART

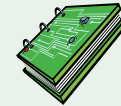
2010 Crime Listings:

- [Felony Crimes](#)
- [Misdemeanor Crimes](#)

PSI CHANGE-

SENTENCE ENHANCEMENT

Page 1 includes boxes to identify sentence enhancements of 6, 18, and 30 months. The enhancement with a firearm finding applies **ONLY** to drug felonies. We've noted sentences where firearms were identified in the case, but charges were not drug felonies. In these cases, the special rule applies to send the offender to prison; however an enhancement of additional months does NOT apply. We have modified the PSI Report to clarify this point.



2010 DESK REFERENCE MANUALS

(DRM) WILL BE SHIPPED OUT MID- JANUARY!

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CASE LAW UPDATES IN DECEMBER 2010

- [State v. Urista](#) - Dec 1, 2010 - Shawnee District Court - Affirmed. No. 103,089 (General Sentencing Issues)
- [State v. Dillon](#) - Dec 3, 2010 - Shawnee District Court - Vacated and Remanded. No. 102,724 (Departures)
- [State v. Berriozabal](#) - Dec. 10, 2010 - Saline District Court - Affirmed in Part, Sentences Vacated in Part, and Remanded. No. 100,291 (Jessica's Law)
- [State v. Kelly](#) - Dec. 13, 2010 - Johnson District Court - Reversed and Remanded. No. 100,006 (Capital Murder)
- [State v. Williams](#) - Dec. 10, 2010 - Johnson District Court - Affirmed and Court of Appeals - Affirmed. No. 98,667 (Criminal History)
- [State v. England](#) - Dec. 10, 2010 - Reno District Court - Affirmed in Part, Dismissed in Part - No. 102,685 (Criminal History)
- [In Re P.R.G./ in Re J.C.T.](#) - Dec. 10, 2010 - Sedgwick District Court - Affirmed in Part, Reversed in Part, and Remanded with Directions. No. 104,025 (Juveniles)



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KS CRIMINAL JUSTICE RESOURCE DIRECTORY

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Thank you to those who help us keep your information accurate!

Happy New Year!

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Questions or comments? E-mail us at sentencing@sentencing.ks.gov We welcome your questions – call us at 785-296-0923