

November 2011

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**Recent Commission Actions:
September 29, 2011**

Hon. Ernest L. Johnson, Chair
Hon. Richard M. Smith, Vice Chair
Scott M. Schultz, Executive Director



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The Kansas Sentencing Commission held a regular meeting September 29, 2011. The most important actions the Commission took concerned the hiring of a new executive director. K.S.A. 74-9103 sets out the procedures for such, and the quotes that follow in this paragraph are from that statute. We were fortunate to have several fine applicants for the position. After hearing, in executive session, the evaluations of our applicants by our search committee members, the Commission voted to offer the position to Scott Schultz, who accepted. Under the statutory process we actually voted to “appoint” Scott to the position. We tentatively established a salary level at a rate of “compensation fixed by the commission.” The next, crucial part of the statute requires that the compensation we have fixed meets with “the approval of the governor.” Kim Borchers, Governor Brownback’s Director of Appointments for Boards and Commissions, was extremely helpful and accommodating in this process, which resulted in Governor Brownback’s approval of our requests. Scott officially assumed his duties as executive director of KSC October 10, 2011.

Prior to his appointment as Executive Director, he spent over 18 years in the practice of criminal law as a trial and appellate attorney. Most recently, from 1999 to 2011, he was an associate general counsel at the Office of the Kansas Securities Commissioner. While there he was cross-designated for 11 years as a Special Assistant United States Attorney to prosecute financial crimes in federal court. In 1997, he joined Lindner & Marquez and was engaged in private practice in Garden City, Kansas. Following law school, he prosecuted as an assistant county attorney in Finney County, Kansas. Mr. Schultz graduated from Kansas State University in 1991 and Washburn University School of Law in 1994.

ERNEST L. JOHNSON, Chair





2011 Legislative Summary:
Bills relating to crimes and/or sentencing, [click here](#)



2003 Senate Bill 123
K.S.A. 2011 Supp. 21-6824
(formerly K.S.A. 21-4729)
Provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population on non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp 21-5706. (formerly K.S.A. 21-36a06)

GOAL: To provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

SB123 questions—
Please email Jennifer Dalton, jenniferd@sentencing.ks.gov or call with any questions.

FY 2012 KDOC Inmate Classification Projections

The custody classification projection addresses the types of beds that the state needs for the total number of beds projected in the baseline projection. This includes the number of maximum, medium high, medium low, minimum, special management and unclassified beds needed to accommodate the inmate population.

[View the report](#)

2012 Prison Population Projection Report

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population. Thank you for your contribution.

[View the report.](#)

Senate Bill 123 News

Kansas Court of Appeals ...

held that offenders convicted of attempted drug possession do NOT qualify for SB123. See [State v. Perry-Coutcher](#) As a result, the Sentencing Commission has determined that it has no legal authority to pay for SB 123 treatment for such offenders beyond June 6, 2011.



A Friendly Reminder-
SB 123 Offender
Reimbursement- \$300

As it is noted on the PSI, and the JE, (where costs are proposed and ordered)

Please try to collect at least \$300.

Thank you for your efforts.

September 29, 2011 Topeka hosted the SB 123 Update conference. Below is the link to the presentation that was provided.



SB 123 Update
Conference—
Topeka, Ks Sep-
tember 29, 2011

[Slide show](#)
[presentation](#)

Jan Brasher, Fiscal Director retired
October 31, 2011

Jan had been with the Sentencing Commission almost 11 years. We are sorry to see her go and will miss her and her expertise in many areas.

All calls will need to be directed to Jennifer Dalton.



Kansas Sentencing Commission

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Did you know...

You can E-mail your Journal Entry (JE), Probation Revocation, or PSI forms to us as an alternative to mailing them?

Just like everyone these days, we are always looking for ways to cut costs. Save paper and postage!

E-mail to:

chrisc@sentencing.ks.gov

Journal Entry of Judgment (JE) and PSI News

There have been **NEW** changes to the 2011 JE, Probation Revocation, and the Presentence Investigation (PSI) forms.

It is important for us to keep you informed and provide you with forms containing the most current changes.

The JE and PSI have been provided with many separate documents all together for years. We have separated the JE and the PSI forms to provide individualized documents for times when no extra forms are needed (example: Special Rules page, Addition Offenses, Offender Registrations, etc.)

Separating these documents will also provide options when extra forms are all you need.

To access the form(s) of your choice...

[Click here](#)

Revised Forms 8/2011:

- Journal Entry of Judgment (JE)
- Probation Revocation
- Presentence Investigation (PSI)

Due to the many **NEW** changes made in the forms– there are **highlighted versions** to show what, where and how things changed.

We also provide the

KBI Offender Registration Forms

These can also be found on our web site.

Offender Registration Requirement K.S.A. 2011 Supp. 22-4902

Under the new Act the court sentencing an offender subject to the Act must not only inform the offender of the registration requirements but also, when that offender is granted some form of probation, see that the initial registration forms are completed. To get forms - [click here](#)

Please note

When completing JE and PSI's please include the ENTIRE statute # - including subsections
Similar offenses are separated by these subsections

Example:

21-5705(a)(1)(c)(1) - (formerly 21-36a05(a)(1)) **Drugs; Cultivate, distribute, or possess w/ intent to distribute opiates, cocaine, meth, narcotics and the like.**
REGISTRATION REQUIRED!

21-5705(a)(2)(c)(1) - (formerly 21-36a05(a)(2)) **Drugs; Cultivate, distribute, or possess w/ intent to distribute marijuana, depressant, stimulants and the like.** **NO REGISTRATION** required!

Please contact Carrie Krusor if you have **ANY** questions (785) 296-0923.

Thank You!



Kansas Criminal Justice System Resource Directory

A Message to Entities Referenced in the Kansas Criminal Justice System Resource Directory-

The staff of the Kansas Sentencing Commission hopes the 2011 Resource Directory will be a valuable aid to you and your staff. Every effort has been made to ensure complete and accurate information. In order to maintain maximum efficiency of this directory, please keep us apprised of updates by emailing changes to: office@sentencing.ks.gov.

If **your** information in this **Resource Directory** has changed, please use this **revision form** to let us know.

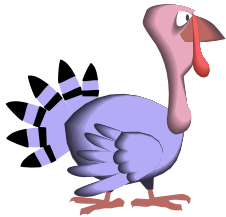
Thank you to those who help us keep your information accurate!

* There have been numerous changes in a variety of places. *

Please feel free to print your own copy.

* We will be updating this directory quarterly now. *

The next update will be January 2012



Kansas Sentencing Guidelines Desk Reference Manual (DRM)



The Kansas Sentencing Commission Desk Reference Manual ...

provides general instructions for application of the provisions of the Kansas Sentencing Guidelines Act (KSGA) K.S.A. 21-4701 *et seq.* The Manual contains features that we hope will not only inform users of the latest developments in sentencing law 2010, but also help to facilitate more efficient understanding and application of the law.

Please check to see the current rate for **your** city or county -

[Sales Tax Rates](#)

2010 Desk Reference Manual (DRM)

[To order yours!](#)

(Please send payment with the order form.)



2011 DRM

...can be [ordered now!](#)

Mail completed form with your payment.

We anticipate delivery in December.

Thank you for your continued patience!

There have been **NEW** changes to the 2011 forms; Journal Entry of Judgment, Presentence Investigation (PSI) and the Probation Revocation and they are currently available on our website... [to access forms.](#)

We will continue to provide you with information and changes as necessary.

To remove your name from our mailing list, please [click here.](#)

Questions or comments? E-mail us at sentencing@sentencing.ks.gov

We welcome your questions – call us at 785-296-0923