

2018 JOURNAL ENTRY OF PROBATION VIOLATION (PVJE) EXPLAINER

This **highlighted** document is intended to explain the changes to the forms that will go into effect on July 1, 2018. These changes are due in part to the passage of new legislation, which will go into effect on that date, while some changes are the result of feedback received from those who use the forms.

Please note that unless specified, the statutory (K.S.A.) references are intended to direct the user to the most current version of the statute. If a K.S.A. 2018 Supp. is referenced, this law is already in effect as of July 1, even though the statute itself has not yet been published.

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- The year in the title has been changed to 2018 and is to be used for any probation violation hearing occurring on or after July 1, 2018 for any probationer. This is in contrast to the use of the PSI and JE, which are tied to the date of offense.
- Section II.4. **ORIGINAL CONVICTION AND SENTENCE INFORMATION** – “Original Date of Offense” is added to clarify date of offense for the **primary** crime.
- Section II.10. **ORIGINAL CONVICTION AND SENTENCE INFORMATION** – Clarifying language of “primary” is added replacing “this” so that only the sentence received at the original sentencing for the **primary** offense is reported here.
- Section II.13. **ORIGINAL CONVICTION AND SENTENCE INFORMATION** – Clarifying language of “Original Total” is added to prison term so that the total sentence (primary + all other counts) ordered for the offender at the time of the original sentencing hearing is reported here.

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- Section III. **VIOLATION SANCTION HISTORY** – “ONLY MARK IF PREVIOUSLY IMPOSED” is added to clarify that this section is only to be used to record **prior** HB 2170 graduated probation sanctions that the offender has historically received in the case. It is not to be used for the current hearing. Section IV is reserved for disposition of the violation hearing.
- Section IV.1. **DISPOSITION OF THIS VIOLATION HEARING** - “Assigned to Conservation Camp (K.S.A. 21-6604(g))” is deleted as there are no current conservation camps in the state for placement of offenders.

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- Section IV.5. **DISPOSITION OF THIS VIOLATION HEARING**, Incarceration Credit - The word “actually” is deleted in several instances. “Total Number of Days of Credit Actually Awarded” is deleted to clarify the incarceration credit formulas listed below:
 - **Step 1:** *Jail Credit Awarded at Original Sentencing + Credit Awarded While on Probation for Current Crime = Total Number of Days of Credit Awarded*
 - **Step 2:** *Revocation Date – Total Number of Days Credit Awarded = Sentence Begins Date*

- Section IV.5. **DISPOSITION OF THIS VIOLATION HEARING**, Incarceration Credit - Similar to the Journal Entry of Judgment, Section VII.7. Miscellaneous Provisions, the following checkboxes are added to provide useful flexibility to the court regarding disposition at the revocation proceeding:
 - Court remands Defendant to custody of Sheriff to begin serving sentence.
 - Defendant to report to County Jail on the ____ day of _____, 20__ at ____ o'clock a.m. p.m. to start serving sentence.
- Section IV.6. **DISPOSITION OF THIS VIOLATION HEARING**, Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive – “Sentence” heading is deleted. Check boxes for prior cases as misdemeanors or felonies is added to realize efficiencies for KDOC in processing offenders.