

CHAPTER 41
SENATE BILL No. 419

AN ACT concerning criminal procedure; relating to the journal entry; amending K.S.A. 22-3426 and 22-3426a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 22-3426 is hereby amended to read as follows: 22-3426. (a) When judgment is rendered or sentence of imprisonment is imposed, upon a plea or verdict of guilty, a record thereof shall be made upon the journal of the court, reflecting, if applicable, conviction or other judgment, the sentence if imposed, and the commitment, which record among other things shall contain a statement of the crime charged, and under what statute; the plea or verdict and the judgment rendered or sentence imposed, and under what statute, and a statement that the defendant was duly represented by counsel naming such counsel, or a statement that the defendant has stated *on the record* or in writing that the defendant did not want representation of counsel.

(b) If defendant is sentenced to the custody of the secretary of corrections the journal entry shall record, *in a judgment form, if used*, all the information required under K.S.A. 21-4620 and amendments thereto ~~to be included in a judgment form, if it were used~~, *unless such section is not applicable*.

~~(c) The journal entry shall also include the name and residence of the officer before whom the preliminary trial was held, the judge presiding at the trial, and of the witnesses sworn on such trial.~~

~~(d) If the sentence is increased because defendant previously has been convicted of one or more felonies the record shall contain a statement of each of such previous convictions, showing the date, in what court, of what crime and a brief statement of the evidence relied upon by the court in finding such previous convictions. Defendant shall not be required to furnish such evidence.~~

~~(e) It shall be the duty of the court personally to examine the journal entry and to sign the same.~~

~~(f) (d)~~ For felony convictions for crimes committed on or after July 1, 1993, *in addition to the provisions of subsections (a) through (c)*, the journal entry shall contain the following information:

- (1) Court case number;
- (2) Kansas bureau of investigation number;
- (3) case ~~tracking~~ *transaction* number;
- (4) court O.R.I. number;
- (5) the type of counsel;
- (6) type of trial, if any;
- (7) pretrial status of the offender;
- (8) the date of the sentencing hearing;
- (9) a listing of offenses *for which* the defendant is convicted ~~of~~;
- (10) the criminal history classification;
- (11) the sentence imposed for each offense including postrelease or probation supervision durations;
- (12) whether the sentences run concurrently or consecutively;
- (13) amount of credit for time spent incarcerated;
- (14) period ordered in county jail as a condition of probation;
- (15) a listing of offenses in which a departure sentence is imposed;
- (16) type of departure sentence; and
- (17) factors cited as a basis for departure sentence.

The journal entry shall be recorded on a form approved by the Kansas sentencing commission.

Sec. 2. K.S.A. 22-3426a is hereby amended to read as follows: 22-3426a. (a) For crimes committed on or after July 1, 1993, when a convicted person is revoked for a probation violation, a record thereof shall be made upon the journal of the court. Such journal entry shall include:

- (1) Court case number;
- (2) Kansas bureau of investigation number;
- (3) case ~~tracking~~ *transaction* number;
- (4) court O.R.I. number;
- (5) name of the judge who heard the evidence;
- (6) those present and whether defendant's counsel was appointed or retained;

- (7) date violator was sentenced to department of corrections;
- (8) offenses for which defendant was sentenced and time to be served for each crime;
- (9) total imprisonment term;
- (10) supervision revoked;
- (11) date motion to revoke defendant's probation was filed; and
- (12) whether there are sufficient evidence and grounds for the court to revoke defendant's probation.

(b) It shall be the duty of the court to personally examine the journal entry and sign the same.

(c) The journal entry shall be recorded on a form approved by the Kansas sentencing commission.

Sec. 3. K.S.A. 22-3426 and 22-3426a are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 4, 2008.
