

## SENATE BILL No. 561

By Committee on Judiciary

2-11

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AN ACT concerning the Kansas juvenile justice code; relating to juvenile corrections officers; training and powers and duties thereof; amending K.S.A. 38-1602 and repealing the existing section.

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

Section 1. K.S.A. 38-1602 is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

(a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who commits an offense while a juvenile which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105, and amendments thereto, or who violates the provisions of K.S.A. 21-4204a or K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810, and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense, as defined in subsection (d) of K.S.A. 8-2117, and amendments thereto;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated;

(3) a person under 18 years of age who previously has been:

(A) Convicted as an adult under the Kansas code of criminal procedure;

(B) sentenced as an adult under the Kansas code of criminal procedure following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 38-16,126, and amendments thereto; or

(C) convicted or sentenced as an adult in another state or foreign jurisdiction under substantially similar procedures described in K.S.A. 38-1636, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.

(c) "Parent," when used in relation to a juvenile or a juvenile offender, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the juvenile.

(d) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty

1 extends to all crimes or is limited to specific crimes.

2 (e) “Youth residential facility” means any home, foster home or struc-  
3 ture which provides twenty-four-hour-a-day care for juveniles and which  
4 is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes  
5 Annotated.

6 (f) “Juvenile detention facility” means any secure public or private  
7 facility which is used for the lawful custody of accused or adjudicated  
8 juvenile offenders and which shall not be a jail.

9 (g) “Juvenile correctional facility” means a facility operated by the  
10 commissioner for juvenile offenders.

11 (h) “Warrant” means a written order by a judge of the court directed  
12 to any law enforcement officer commanding the officer to take into cus-  
13 tody the juvenile named or described therein.

14 (i) “Commissioner” means the commissioner of juvenile justice.

15 (j) “Jail” means:

16 (1) An adult jail or lockup; or

17 (2) a facility in the same building as an adult jail or lockup, unless the  
18 facility meets all applicable licensure requirements under law and there  
19 is (A) total separation of the juvenile and adult facility spatial areas such  
20 that there could be no haphazard or accidental contact between juvenile  
21 and adult residents in the respective facilities; (B) total separation in all  
22 juvenile and adult program activities within the facilities, including rec-  
23 reation, education, counseling, health care, dining, sleeping, and general  
24 living activities; and (C) separate juvenile and adult staff, including man-  
25 agement, security staff and direct care staff such as recreational, educa-  
26 tional and counseling.

27 (k) “Court-appointed special advocate” means a responsible adult,  
28 other than an attorney appointed pursuant to K.S.A. 38-1606 and amend-  
29 ments thereto, who is appointed by the court to represent the best inter-  
30 ests of a child, as provided in K.S.A. 38-1606a, and amendments thereto,  
31 in a proceeding pursuant to this code.

32 (l) “Juvenile intake and assessment worker” means a responsible  
33 adult authorized to perform intake and assessment services as part of the  
34 intake and assessment system established pursuant to K.S.A. 75-7023, and  
35 amendments thereto.

36 (m) “Institution” means the following institutions: The Atchison ju-  
37 venile correctional facility, the Beloit juvenile correctional facility, the  
38 Larned juvenile correctional facility and the Topeka juvenile correctional  
39 facility.

40 (n) “Sanctions house” means a facility which is operated or structured  
41 so as to ensure that all entrances and exits from the facility are under the  
42 exclusive control of the staff of the facility, whether or not the person  
43 being detained has freedom of movement within the perimeters of the

1 facility, or which relies on locked rooms and buildings, fences, or physical  
2 restraint in order to control the behavior of its residents. Upon an order  
3 from the court, a licensed juvenile detention facility may serve as a sanc-  
4 tions house.

5 (o) “Sentencing risk assessment tool” means an instrument adminis-  
6 tered to juvenile offenders which delivers a score, or group of scores,  
7 describing, but not limited to describing, the juvenile’s potential risk to  
8 the community.

9 (p) “Educational institution” means all schools at the elementary and  
10 secondary levels.

11 (q) “Educator” means any administrator, teacher or other profes-  
12 sional or paraprofessional employee of an educational institution who has  
13 exposure to a pupil specified in subsection (a)(1) through (5) of K.S.A.  
14 ~~2000~~ 2001 Supp. 72-89b03, and amendments thereto.

15 (r) “*Juvenile corrections officer*” means a juvenile corrections officer  
16 or juvenile corrections specialist working at a juvenile correctional facility.

17 New Sec. 2. (a) The commissioner may adopt rules and regulations  
18 establishing standards of training and provisions for certifying juvenile  
19 corrections officers as defined in subsection (r) of K.S.A. 38-1602, and  
20 amendments thereto.

21 (b) Except as provided in subsection (c), no person shall receive a  
22 permanent appointment as a juvenile corrections officer unless awarded  
23 a certificate by the commissioner which attests to satisfactory completion  
24 of a basic course of instruction. Such course of instruction shall be ap-  
25 proved by the commissioner and shall consist of not less than 160 hours  
26 of instruction. The certificate shall be effective during the term of a per-  
27 son’s employment, except that any person who has terminated employ-  
28 ment with the commissioner for a period exceeding one year shall be  
29 required to be certified again.

30 (c) The commissioner may award a certificate which attests to the  
31 satisfactory completion of a basic course of instruction to any person who  
32 has been duly certified under the laws of another state or territory if, in  
33 the opinion of the commissioner, the requirements for certification in the  
34 other jurisdiction are equal to or exceed the requirements for certification  
35 in this state. The commissioner may waive any number of hours or courses  
36 required to complete the basic course of instruction for any person who,  
37 in the opinion of the commissioner, has received sufficient training or  
38 experience that such hours of instruction would be unduly burdensome  
39 or duplicitous.

40 (d) Every juvenile corrections officer shall receive 40 hours of in-  
41 service training annually.

42 (e) The provisions of this section shall be part of and supplemental  
43 to the Kansas juvenile justice code.

1 New Sec. 3. (a) The superintendent of any juvenile correctional fa-  
2 cility operated by the commissioner, all persons on the staff of the juvenile  
3 justice authority who are in the chain of command from the commissioner  
4 of juvenile justice to the juvenile corrections officer and every juvenile  
5 corrections officer, regardless of rank, while acting within the scope of  
6 their duties as employees of the juvenile justice authority, shall possess  
7 such powers and duties of a law enforcement officer as are necessary for  
8 performing such duties and may exercise such powers and duties any-  
9 where within the state of Kansas. Such powers and duties may be exer-  
10 cised outside the state of Kansas for the purpose of maintaining custody,  
11 security and control of any person in the custody of the commissioner  
12 being transported or escorted by anyone authorized to so act. Such em-  
13 ployees of the juvenile justice authority shall be responsible to and shall  
14 be at all times under the supervision and control of the commissioner of  
15 juvenile justice or the commissioner's designee.

16 (b) The provisions of this section shall be part of and supplemental  
17 to the Kansas juvenile justice code.

18 Sec. 4. K.S.A. 38-1602 is hereby repealed.

19 Sec. 5. This act shall take effect and be in force from and after its  
20 publication in the statute book.

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