

HOUSE BILL No. 2602

By Committee on Corrections and Juvenile Justice

1-27

AN ACT concerning juveniles; relating to immediate intervention programs; amending K.S.A. 38-1635 and repealing the existing section.

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

Section 1. K.S.A. 38-1635 is hereby amended to read as follows: 38-1635. (a) Except as provided in subsection (b), each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a respondent may avoid prosecution as a juvenile offender. In addition to the county or district attorney adopting policies and guidelines for the immediate intervention programs, the court, the county or district attorney and the director of the intake and assessment center, pursuant to a written agreement, may develop local programs to:

(1) Provide for the direct referral of cases by the county or district attorney or the intake and assessment worker, or both, to youth courts, restorative justice centers, citizen review boards, hearing officers, or other local programs as sanctioned by the court.

(2) Allow intake and assessment workers to issue a summons, as defined in subsection (e).

(3) Allow the intake and assessment centers to directly purchase services for the juveniles and the juvenile's family.

(4) Allow intake and assessment workers to direct the release of a juvenile prior to a detention hearing after the completion of the intake and assessment process if the juvenile intake and assessment worker has reason to believe that if released the juvenile will appear for further proceedings and will not be dangerous to self or others.

(b) An immediate intervention program shall provide that a respondent is ineligible for such program if the respondent ~~has been previously adjudicated to be a juvenile offender, or~~ faces pending charges as a juvenile offender, for committing acts which, if committed by an adult, would constitute:

(1) A violation of K.S.A. 8-1567 and amendments thereto and the respondent: (A) Has previously participated in an immediate intervention program instead of prosecution of a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts

1 prohibited by that statute; (B) has previously been adjudicated of a vio-
2 lation of that statute or a violation of a law of another state or of a political
3 subdivision of this or any other state, which law prohibits the acts pro-
4 hibited by that statute; or (C) during the time of the alleged violation was
5 involved in a motor vehicle accident or collision resulting in personal
6 injury or death; or

7 (2) a violation of an off-grid crime, a ~~person felony, or a felony or~~
8 ~~misdemeanor committed when the respondent was illegally possessing a~~
9 ~~firearm or using a deadly weapon in the commission of such crime se-~~
10 ~~verity level 1, 2 or 3 felony for nondrug crimes or drug severity level 1 or~~
11 ~~2 felony for drug crimes.~~

12 (c) An immediate intervention program may include a stipulation,
13 agreed to by the respondent, the respondent's attorney and the attorney
14 general or county or district attorney, of the facts upon which the charge
15 is based and a provision that if the respondent fails to fulfill the terms of
16 the specific immediate intervention agreement and the immediate inter-
17 vention proceedings are resumed, the proceedings, including any pro-
18 ceedings on appeal, shall be conducted on the record of the stipulation
19 of facts.

20 (d) The county or district attorney may require the parent or guardian
21 of a juvenile offender to be a part of the immediate intervention program
22 for the juvenile offender.

23 (e) "Summons" means a written order issued by an intake and as-
24 sessment worker directing that a respondent appear before a designated
25 court at a stated time and place and answer to a charge pending against
26 the respondent.

27 (f) The provisions of this section shall not be applicable in judicial
28 districts that adopt district court rules pursuant to K.S.A. 20-342, and
29 amendments thereto, for the administration of immediate intervention
30 programs by the district court.

31 Sec. 2. K.S.A. 38-1635 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its
33 publication in the statute book.

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