

Approved: April 25, 1996
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Vice Chairperson David Adkins at 1:00 p.m. on March 15, 1996 in Room 313-S of the Capitol.

All members were present except:

Representative Britt Nichols - Absent
Representative Mike O'Neal - Excused
Representative Belva Ott - Excused
Representative Doug Spangler - Excused
Representative Sabrina Standifer - Excused
Representative Dee Yoh - Absent

Committee staff present: Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Others attending: See attached list

Representative's Garner & Grant provided the committee with a balloon on **SB 510** and sentencing guideline grids, (Attachment 1). The balloon amendment would increase rape to a severity level I, change intentional second degree murder to an off-grid status with 10 year parole eligibility, doubles all sentence lengths in severity levels I & II and makes criminal discharge of a firearm at an occupied building or vehicle which results in bodily harm a severity level 3. It would also create border boxes on the drug grid in severity levels III & IV.

HB 2900 - Kansas juvenile justice reform act

Vice-Chairperson David Adkins provided the committee with a balloon draft of **HB 2900**, (Attachment 2) and explained the Kansas Youth Authority's recommendations (Attachment 3). Also provided to the committee was a report from the Koch Crime Commission, Juvenile Justice System Task Force. (Copies of this report can be obtained from the Koch Crime Commission located at 714 SW Jackson, Topeka, KS 66603)

Staff provided the committee with a list of sections that needed clarification as to where they fit in **HB 2900**. (Attachment 4)

The committee meeting adjourned at 2:00 p.m. The next meeting is scheduled for March 18, 1996.

SENATE BILL No. 510

By Committee on Judiciary

1-23

10 AN ACT concerning ~~the uniform controlled substances act; relating to~~
11 ~~drug paraphernalia~~ amending K.S.A. 65-4152 and K.S.A. 1995 Supp.
12 65-4153 and repealing the existing sections.
13

crimes, punishment and criminal procedure

21-3402, 21-3502, 21-4219, 21-4704, 21-4705,
21-4706, 22-3717

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

15 Section 1. K.S.A. 65-4152 is hereby amended to read as follows: 65-
16 4152. (a) No person shall use or possess with intent to use:

Insert the attached sections.
Renumber remaining sections accordingly.

17 (1) Any simulated controlled substance; ~~or~~
18 (2) any drug paraphernalia to ~~plant, propagate, cultivate, grow, har-~~
19 ~~vest, manufacture, compound, convert, produce, process, prepare, test,~~
20 ~~analyze, pack, repack, use, store, contain, conceal, inject, ingest, inhale or~~
21 otherwise introduce into the human body a controlled substance in vio-
22 lation of the uniform controlled substances act; *or*

23 (3) any drug paraphernalia to *plant, propagate, cultivate, grow, har-*
24 *vest, manufacture, compound, convert, produce, process, prepare, test,*
25 *analyze, pack, repack, sell or distribute a controlled substance in violation*
26 *of the uniform controlled substances act.*

27 (b) Violation of this section subsections (a)(1) or (2) is a class A non-
28 person misdemeanor.

29 (c) Violation of subsection (a)(3) other than as described in para-
30 graph (d) is a drug severity level 4 felony.

31 (d) Violation of subsection (a)(3) which involves the possession
32 of drug paraphernalia for the planting, propagation, growing or
33 harvesting of less than five marijuana plants is a class A nonperson
34 misdemeanor.

35 Sec. 2. K.S.A. 1995 Supp. 65-4153 is hereby amended to read as
36 follows: 65-4153. (a) No person shall deliver, possess with intent to de-
37 liver, manufacture with intent to deliver or cause to be delivered within
38 this state:

39 (1) Any simulated controlled substance; ~~or~~

40 (2) any drug paraphernalia, knowing, or under circumstances where
41 one reasonably should know, that it will be used to ~~plant, propagate,~~
42 ~~cultivate, grow, harvest, manufacture, compound, convert, produce, proe-~~
43 ~~ess, prepare, test, analyze, pack, repack, use, store, contain, conceal, in-~~

1-2

1 ject, ingest, inhale or otherwise introduce into the human body a con-
2 trolled substance in violation of the uniform controlled substances act; or

3 (3) any drug paraphernalia, knowing or under circumstances where
4 one reasonably should know, that it will be used to plant, propagate,
5 cultivate, grow, harvest, manufacture, compound, convert, produce, proc-
6 ess, prepare, test, analyze, pack, repack, sell or distribute a controlled
7 substance in violation of the uniform controlled substances act.

8 (b) Except as provided in subsection (c), violation of this section is a
9 class A nonperson misdemeanor.

10 (c) Any person who violates this section by delivering or causing to
11 be delivered within this state drug paraphernalia or a simulated controlled
12 substance to a person under 18 years of age is guilty of a nondrug severity
13 level 9, nonperson felony. Violation of subsections (a)(1) or (2) is a non-
14 drug severity level 9, nonperson felony.

15 (c) Violation of subsection (a)(3) is a drug severity level 4 felony.

16 Sec. 3. K.S.A. 65-4152 and K.S.A. 1995 Supp. 65-4153 are hereby
17 repealed

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

21-3402, 21-3502, 21-4219, 21-4704, 21-4705,
21-4706, 22-3717

Section 1. K.S.A. 21-3402 is hereby amended to read as follows:
21-3402. Murder in the second degree is the killing of a human being committed:

(a) Intentionally; or

(b) unintentionally but recklessly under circumstances manifesting extreme indifference to the value of human life.

Murder in the second degree as described in subsection (a) is a severity level 1, an off-grid person felony. Murder in the second degree as described in subsection (b) is a severity level 2, person felony.

Sec. 2. K.S.A. 21-3502 is hereby amended to read as follows: 21-3502. (a) Rape is: (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances:

(A) When the victim is overcome by force or fear;

(B) when the victim is unconscious or physically powerless; or

(C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; or

(2) sexual intercourse with a child who is under 14 years of age.

(b) It shall be a defense to a prosecution of rape under subsection (a)(2) that the child was married to the accused at the time of the offense.

(c) Rape is a severity level 2- 1, person felony.

Sec. 3. K.S.A. 21-4219 is hereby amended to read as follows: 21-4219. (a) Criminal discharge of a firearm at an unoccupied dwelling is the malicious, intentional and unauthorized discharge of any firearm at an unoccupied dwelling.

Criminal discharge of a firearm at an unoccupied dwelling is a severity level 8, person felony.

(b) Except as provided in K.S.A. 21-3411, and amendments thereto, criminal discharge of a firearm at an occupied building or occupied vehicle is the malicious, intentional and unauthorized discharge of a firearm at a dwelling, building, structure, motor vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which

there is a human being who is not placed in immediate apprehension of bodily harm.

Criminal discharge of a firearm at an occupied building or occupied vehicle is a severity level 7, person felony.

Criminal discharge of a firearm at an occupied building or occupied vehicle which results in bodily harm to a person during the commission thereof is a severity level 5, person felony.

Criminal discharge of a firearm at an occupied building or occupied vehicle which results in great bodily harm to a person during the commission thereof is a severity level 3, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 21-4704 is hereby amended to read as follows:

(a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

5-1

Category	A	B	C	D	E	F	G	H	I
Security Level	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	408 816 388 776 370 740	386 772 366 732 346 692	178 356 170 340 161 322	167 334 158 316 150 300	154 308 146 292 138 276	141 282 134 268 127 254	127 254 122 244 115 230	116 232 110 220 104 208	103 206 97 194 92 184
II	308 616 292 584 276 552	288 576 274 548 260 520	135 270 128 256 121 242	125 250 119 238 113 226	115 230 109 218 103 206	105 210 100 200 95 190	96 192 91 182 86 172	86 172 82 164 77 154	77 154 73 146 68 136
III	206 194 184	190 180 172	89 85 80	83 78 74	77 73 68	69 66 62	64 60 57	59 55 51	51 49 46
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	34 31 28	31 28 25
VI	46 41 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Presumptive Probation
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, aggravated assault against a law enforcement officer or K.S.A. 21-3415, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567 and subsection (b) of K.S.A. 21-3705, and amendments thereto shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567 and subsection (b) of K.S.A. 21-3705, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

Sec. 5. K.S.A. 21-4705 is hereby amended to read as follows:

(a) For the purpose of sentencing, the following sentencing guidelines grid for drug crimes shall be applied in felony cases under the uniform controlled substances act for crimes committed on or after July 1, 1993:

SENTENCING RANGE - DRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 22	23 21 20	19 18 17	15 14 13
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Probation
Presumptive Imprisonment

(b) The provisions of subsection (a) will apply for the purpose of sentencing violations of the uniform controlled substances act except as otherwise provided by law. Sentences expressed in the sentencing guidelines grid for drug crimes in subsection (a) represent months of imprisonment.

(c) Upon conviction of any person pursuant to K.S.A. 65-4127b or K.S.A. 1995 Supp. 65-4161 or 65-4163 and amendments thereto, or a conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302, or 21-3303 and amendments thereto, to commit a violation of K.S.A. 65-4127b or K.S.A. 1995 Supp. 65-4161 or 65-4163 and amendments thereto, in which the substance involved was marijuana or tetrahydrocannabinol as designated in subsection (d) of K.S.A. 65-4105 and amendments thereto; such substance was possessed with intent to sell, sold or offered for sale in an amount which does not exceed 500 grams or 25 plants; such substance was not possessed with intent to sell, sold or offered for sale as provided in subsection (d) of K.S.A. 65-4127b or subsection (b) of K.S.A. 1995 Supp. 65-4163 and amendments thereto; and such offense is classified in grid blocks 3-H or 3-I of the presumptive sentencing guidelines grid for drug crimes, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism;

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; and

(3) the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 3-H or 3-I shall not be considered a departure and shall not be subject to appeal.

(d) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

Sec. 6. K.S.A. 21-4706 is hereby amended to read as follows: 21-4706.

(a) For crimes committed on or after July 1, 1993, the sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of up to 15% of the primary sentence for good time as authorized by law.

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 21-3401, subsection (a) of K.S.A. 21-3402, 21-3439 and 21-3801 and amendments thereto are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 21-4622 through 21-4627, and 21-4629 through 21-4631, and amendments thereto, the sentence shall be imprisonment for life.

Sec. 7. K.S.A. 22-3717 is hereby amended to read as follows: 22-3717.

(a) Except as otherwise provided by this section, K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638 and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 21-4635 through 21-4638 and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its

repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402 and amendments thereto committed on or after July 1, 1996, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(c) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(1) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(2) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (C) and (D), persons sentenced for nondrug severity level 1 through 6 crimes and drug severity levels 1 through 3 crimes must serve 36 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722 and amendments thereto, on postrelease supervision.

(B) Except as provided in subparagraphs (C) and (D), persons sentenced for nondrug severity level 7 through 10 crimes and drug severity level 4 crimes must serve 24 months, plus the amount of good time earned and retained pursuant to K.S.A. 21-4722 and amendments thereto, on postrelease supervision.

(C) (i) The sentencing judge shall impose the postrelease supervision period provided in subparagraph (d)(1)(A) or (d)(2)(B) ~~(d)(1)(B)~~, unless the judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually violent or sexually motivated. In that event, departure may be imposed

to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721 and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714 and amendments thereto; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the parole board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subparagraph (d)(1)(C), the court shall refer to K.S.A. 21-4718 and amendments thereto.

(vi) Upon petition, the parole board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A) or (B). Early discharge from postrelease supervision is at the discretion of the parole board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the habitual sex offender registration act, K.S.A. 22-4901 through 22-4910 and amendments thereto.

(D) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall

be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(E) In cases where sentences for crimes from more than one severity level have been imposed, the highest severity level offense will dictate the period of postrelease supervision. Supervision periods will not aggregate.

(2) As used in this section, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;

(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;

(J) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (A) through (I), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(K) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302, 21-3303, and amendments thereto, of a sexually violent crime as defined in this section; or

(L) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated.

As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the pur-

pose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the Kansas parole board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724 and amendments thereto, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

(g) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable

probability that the inmate can be released without detriment to the community or to the inmate: or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The Kansas parole board shall hold a parole hearing during the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of a class A felony the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338 and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted,

at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made; comments of the victim and the victim's family; comments of the public; official comments; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the parole board will review the inmates proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) Within a reasonable time after an inmate is committed to the custody of the secretary of corrections, a member of the Kansas parole board, or a designee of the board, shall hold an initial informational hearing with such inmate and other inmates.

(k) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate appear before it and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting

parole. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a and amendments thereto and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony, the board shall hold another parole hearing for the inmate not later than one year after the denial. If parole is denied for an inmate sentenced for a class A or class B felony, the board shall hold another parole hearing for the inmate not later than three years after the denial and shall conduct an annual file review for such inmate. Written notice of such annual file review shall be given to the inmate. The provisions of this subsection shall not be applicable to inmates sentenced for crimes committed on or after July 1, 1993.

(l) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(m) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 *et seq.*, and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(n) Whenever the Kansas parole board orders the parole of an inmate

or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or post-release supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision:

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so; and

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community.

(o) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the parolee was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole, the parole board shall order as a condition of parole that the parolee make restitution for the damage or loss caused by the parolee's crime in an amount and manner determined by the board unless the board finds compelling circumstances which would render a plan of restitution unworkable. If the parolee was sentenced on or after July 1, 1986, and the court did not specify at the time of sentencing the amount and

the recipient of any restitution ordered as a condition of parole or post-release supervision, the parole board shall not order restitution as a condition of parole or postrelease supervision unless the board finds compelling circumstances which justify such an order.

(p) Whenever the Kansas parole board grants the parole of an inmate, the board, within 10 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(q) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(r) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(s) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725 and amendments thereto may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

**KANSAS SENTENCING COMMISSION
BEDSPACE IMPACT ASSESSMENT
HB 2425 MODIFIED FORM WITH DRUG GRID REDUCTIONS**

****Modified form includes rape raised to severity level I, criminal discharge of a firearm, intentional second degree murder raised to off-grid status with 10 year parole eligibility, and doubles all sentence lengths in severity levels I and II.**

JUNE OF EACH YEAR	DOUBLE SEVERITY LEVELS I & II	SECOND DEGREE MURDER OFF-GRID - 10 YR PAROLE ELIGIBLE	RAPE RAISED TO SEVERITY LEVEL I	BORDER BOXES - BEDS SAVED SCENARIO #4	TOTAL BEDSPACE IMPACT*
1997	0	0	0	(204)	(204)
1998	0	0	0	(367)	(367)
1999	0	0	0	(403)	(403)
2000	0	0	0	(444)	(444)
2001	3	0	1	(448)	(444)
2002	15	0	7	(463)	(441)
2003	62	1	12	(471)	(396)
2004	98	1	26	(470)	(345)
2005	145	4	39	(489)	(301)
2006	193	9	54	(468)	(212)
2007	248	16	72	(468)	(132)
2008	269	22	85	(492)	(116)
2009	303	29	107	(492)	(53)
2010	348	46	115	(528)	(19)
2011	377	57	130	(514)	50
2012	394	70	135	(517)	82
2013	416	85	149	(537)	113
2014	420	102	171	(555)	138
2015	428	122	183	(545)	188

* Numbers in parenthesis indicate actual bed reductions.

NOTE: Border box scenario #4 used for this projection places border boxes on Drug Level 3 boxes E, F, G, H and I and Level 4 boxes E and F criminal history categories.

Conformity to the Sentencing Guidelines

Offense of Rapes

Criminal History	Within Guidelines			Durational Departure	
	Aggravated	Mitigated	Standard	Above	Below
A					2
B					1
C				2	1
D			1		1
E	2				
F	1		1	1	1
G			1	2	
H				2	
I	2	4	4	2	2
TOTAL	5	4	7	9	7

Note: There were 32 rape offenders in FY 1995; 16 of them were within the sentencing guidelines, and 16 of them were departed from the sentencing guidelines.

**Drug Level III Sentences by Criminal History Classes
New Law Sentences**

History Class	Number of Cases	Within Guidelines			Departure			Sentence Month		
		Stand	Miti	Agg	<u>Durational</u>		<u>Dispositional</u>	Min	Mean	Max
					Above	Below	Down			
A	8	1	1		3	3		20.0	48.25	74.00
B	3				1	1	1	31.0	54.00	77.00
C	16	3	3	1	6	3		26.0	47.62	109.00
D	14	3	1	1	1	7	1	17.0	29.46	40.00
E	13	5			1	5	2	17.0	25.73	36.00
F	19	5	3	1	1	2	6	17.0	23.54	31.00
G	36	10	4	7	2	10	3	12.0	20.24	33.00
H	29	7	3	4	2	7	6	11.0	18.17	50.00
I	98	26	9	4	9	15	35	8.0	15.57	45.00
Total	236	60	24	18	26	53	54			

**Drug Level IV Sentences by Criminal History Classes
New Law Sentences**

History Class	Number of Cases	Within Guidelines			Departure				Sentence Month		
		Stand	Miti	Agg	<u>Durational</u>		<u>Dispositional</u>		Min	Mean	Max
					Above	Below	Down	Up			
A	11	5	1		1	4			11.0	33.64	51.00
B	13	1	1		3	6	2		16.0	32.55	72.00
C	26	6	5	1	6	6	2		15.0	32.29	60.00
D	20	4	2		2	6	5		10.0	22.07	46.00
E	34	14	8		4	5	3		12.0	19.45	32.00
F	29	6	6		4	5	8		10.0	17.81	37.00
G	65	51	0	8				6	9.0	15.43	34.00
H	50	31	11	5				3	7.0	17.11	71.00
I	155	128	21	3				3	5.0	11.59	24.00
Total	403	246	55	17	20	32	20	12			

Note: Of the total, 48 in drug level IV with G, H, and I convictions were violators returned to prison due to revocation.

SENTENCING RANGE - NONDRUG OFFENSES

Category→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanor	1 Misdemeanor No Record
I	408 388 370	386 366 346	178 170 161	167 158 150	154 146 138	141 134 127	127 122 115	116 110 104	103 97 92
II	308 292 276	288 274 260	135 128 121	125 119 113	115 109 103	105 100 95	96 91 86	86 82 77	77 73 68
III	206 194 184	190 180 172	89 85 80	83 78 74	77 73 68	69 66 62	64 60 57	59 55 51	51 49 46
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Recommended probation terms are:

36 months for felonies classified in Severity Levels 1 - 5
 24 months for felonies classified in Severity Levels 6 - 10

Postrelease terms are:

For felonies committed before 4/20/95

24 months for felonies classified in Severity Levels 1 - 6
 12 months for felonies classified in Severity Level 7 - 10

For felonies committed on or after 4/20/95

36 months for felonies classified in Severity Levels 1 - 6
 24 months for felonies classified in Severity Level 7 - 10

1-23

SENTENCING RANGE - DRUG OFFENSES

Category =>	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	Misdemeanors 2+	Misdemeanor No Record 1
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Imprisonment

Recommended probation terms are:

36 months for felonies classified in Severity Levels 1 - 3
 24 months for felonies classified in Severity Level 4

Postrelease supervision terms are:

For felonies committed before 4/20/95
 24 months for felonies classified in Severity Levels 1 - 3
 12 months for felonies classified in Severity Level 4

For felonies committed on or after 4/20/95

36 months for felonies classified in Severity Levels 1 - 3
 24 months for felonies classified in Severity Level 4

2 Sec. 2. On and after July 1, 1997, K.S.A. 38-1601 is hereby amended
 3 to read as follows: ~~38-1601. K.S.A. 38-1601 through 38-1685 Article 16~~
 4 *of chapter 38 of the Kansas Statutes Annotated and sections 8, 9 and 16,*
 5 *and amendments thereto, shall be known and may be cited as the Kansas*
 6 *juvenile offenders justice code and shall be liberally construed to the end*
 7 *that each juvenile coming within its provisions shall receive the care,*
 8 *custody, guidance, control and discipline, preferably in the juvenile's own*
 9 *home, as will best serve the juvenile's rehabilitation and the protection*
 10 *of society. The primary goal of the juvenile justice code is to promote*
 11 *public safety, hold juvenile offenders accountable for such juvenile's be-*
 12 *havior and improve the ability of juveniles to live more productively and*
 13 *responsibly in the community. To accomplish this goal, juvenile justice*
 14 *policies developed pursuant to the Kansas juvenile justice code shall be*
 15 *designed to: (a) Protect public safety; (b) recognize that the ultimate so-*
 16 *lutions to juvenile crime lie in the strengthening of families and educa-*
 17 *tional institutions, the involvement of the community and the implemen-*
 18 *tation of effective prevention and early intervention programs; (c) be*
 19 *community based to the greatest extent possible; (d) be family centered*
 20 *when appropriate; (e) facilitate efficient and effective cooperation, coor-*
 21 *dination and collaboration among agencies of the local, state and federal*
 22 *government; (f) be outcome based, allowing for the effective and accurate*
 23 *assessment of program performance; (g) be cost-effectively implemented*
 24 *and administered to utilize resources wisely; (h) encourage the recruit-*
 25 *ment and retention of well-qualified, highly trained professionals to staff*
 26 *all components of the system; (i) appropriately reflect community norms*
 27 *and public priorities; and (j) encourage public and private partnerships*
 28 *to address community risk factors.*

Mission Statement

Our mission is to serve the citizens of Kansas by designing a system of juvenile justice which promotes public safety, holds juvenile offenders accountable for their behavior, and improves the ability of juveniles to live more productively and responsibly in the community.

I. This mission shall be pursued through the development of juvenile justice policies which reflect principles that:

- ☆ establish public safety as the primary goal of the system;
- ☆ recognize that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions, the involvement of the community and the implementation of effective prevention and early intervention programs;
- ☆ are community-based to the greatest extent appropriate;
- ☆ are family centered;
- ☆ facilitate efficient and effective cooperation, coordination and collaboration among agencies of state government and among all levels of government;
- ☆ are outcome based, allowing for effective and accurate assessment of program performance;
- ☆ are cost-effectively implemented and administered and utilize resources wisely;
- ☆ encourage the recruitment and retention of well-qualified, highly-trained professionals to staff all components of the system;
- ☆ appropriately reflect community norms and public priorities;
- ☆ encourage public/private partnerships to address community risk factors.

II. This mission shall also be implemented through the development of a juvenile justice system composed of components which:

- ☆ establish a full range of placement options from diversion through maximum security confinement and a full continuum of post-release, aftercare services;
- ☆ impose appropriate sanctions and consequences fairly, swiftly and uniformly;
- ☆ deal effectively with chronic, serious and violent juvenile offenders;
- ☆ provide for individualized supervision, care, accountability and treatment of youthful offenders;
- ☆ empower parents and encourage parental involvement and responsibility;
- ☆ require the collection and dissemination within the juvenile justice system of relevant and accurate information on youthful offenders and mandate the sharing of information among appropriate entities;
- ☆ allow communities to develop, implement and operate programs appropriate to local needs;
- ☆ provide for ongoing innovation, research and evaluation to improve and support all components of the system;
- ☆ allow for the utilization of private and non-profit service providers when appropriate, and encourage the use of intergovernmental agreements by the commissioner of juvenile justice.

29 New Sec. 3. On and after July 1, 1997, in addition to other powers
 30 and duties provided by law, in administering the provisions of the juvenile
 31 justice code, the commissioner of juvenile justice shall:

32 (a) Establish the following divisions in the juvenile justice authority:

33 (1) Operations. The commissioner shall oversee the juvenile intake
 34 and assessment system as it relates to the juvenile offender; provide tech-
 35 nical assistance and help facilitate community collaboration; license ju-
 36 venile correctional facilities, programs and providers; assist in coordinat-
 37 ing a statewide system of community based service providers; establish
 38 pilot projects for community based service providers; and operate the
 39 juvenile correctional facilities.

40 (2) Research. The commissioner shall generate, analyze and utilize
 41 data to review existing programs and identify effective prevention pro-
 42 grams; to develop new program initiatives and restructure existing pro-
 43 grams; and to assist communities in risk assessment and effective resource
 1 utilization.

2 (3) Contracts. The commissioner shall secure the services of direct
 3 providers by contracting with such providers, which may include non-
 4 profit, private or public agencies, to provide functions and services
 5 needed to operate the juvenile justice authority. The commissioner shall
 6 contract with local service providers, when available, to provide 24-hour-
 7 a-day intake and assessment services.

8 (4) Performance audit. The commissioner shall randomly audit con-
 9 tracts to determine that service providers are performing as required pur-
 10 suant to the contract.

11 (b) Adopt rules and regulations necessary for the administration of
 12 this act.

13 (c) Administer all state and federal funds appropriated to the juvenile
 14 justice authority and any other agency within the executive branch for
 15 juvenile justice.

16 (d) Administer the development and implementation of a juvenile
 17 justice information system.

18 (e) Administer the transition to and implementation of juvenile jus-
 19 tice system reforms.

20 (f) Coordinate with the judicial branch of state government any duties
 21 and functions which effect the juvenile justice authority.

22 (g) Serve as a resource to the legislature and other state policymakers.

23 (h) Make and enter into all contracts and agreements and do all other
 24 acts and things necessary or incidental to the performance of functions
 25 and duties and the execution of powers under this act.

26 (i) Accept custody of juvenile offenders so placed by the court.

27 (j) Assign juvenile offenders placed in the commissioner's custody to
 28 juvenile correctional facilities based on information collected by the re-
 29 ception and diagnostic evaluation, intake and assessment report, pursuant
 30 to section 7 and the predispositional investigation report, pursuant to
 31 K.S.A. 38-1661, and amendments thereto.

32 (k) Establish and utilize a reception and diagnostic evaluation for all
 33 juvenile offenders to be evaluated prior to placement in a juvenile cor-
 34 rectional facility.

2-2

Commissioner of Juvenile Justice:
Powers/Duties/Functions.

1. The Commissioner shall administer the juvenile justice system utilizing several core functions including:
 - a. **Operations:** Through this function the commissioner shall oversee intake and assessment, provide technical assistance and facilitate community collaboration, license youth correctional facilities, programs and providers, assist in coordinating a statewide system of community based service providers and operate youth correctional facilities.
 - b. **Research:** Through this function the commissioner shall generate, analyze and utilize data to develop new program initiatives, restructure existing programs and assist communities in risk assessment and effective resource utilization. Particular focus would be given to the identification or development of effective preventions programs.
 - c. **Contract:** Through this function the Commissioner would secure the services of direct providers. It is not anticipated that the Commissioner will oversee a large staff of correctional officers or social workers. Rather, the Commissioner shall, when appropriate, contract with non-profit, private or public agencies to perform functions or provide services necessary to operate the state's portion of the juvenile justice system. The contract function could also be utilized in the administration of state programs funded by grants to local communities.
 - d. **Performance Audit.** Through this function the Commissioner would audit contracts to determine that service providers were performing as required. This function would grant the Commissioner regulatory authority to administer programs to be performed pursuant to contracts.
2. **Other Duties.** In addition to the above-noted functions, the Commissioner shall:
 - a. Administer all state and federal funds appropriated within the executive branch for juvenile justice.
 - b. Administer the development and implementation of appropriate information systems.
 - c. Administer the transition to and implementation of system reforms.
 - d. Have authority to enter into contracts with other public agencies or private entities.
 - e. Shall coordinate functions with the Judicial branch and serve as a resource to legislators and other policy makers.
4. **Accept Custody of Juveniles.** The Commissioner shall be authorized to accept custody of juveniles so assigned by a court.

continued

- 35 (l) Assist the judicial districts in establishing community based place-
36 ment options, community corrections services and aftercare transition
37 services for juvenile offenders.
- 38 (m) Review, evaluate and restructure the programmatic mission and
39 goals of the juvenile correctional facilities to accommodate greater spe-
40 cialization for each facility.
- 41 (n) Adopt rules and regulations as are necessary to encourage the
42 sharing of information between individuals and agencies who are involved
43 with the juvenile.

Intake and Assessment.

2. Intake and Assessment Model: State Mandates/Local Options.

The Commissioner shall contract with local service providers, when available, to provide 24-hour a day intake and assessment services. Local providers will be required by the state to provide a basic package of intake and assessment services but may provide additional services as determined by local authorities. Local innovation will be encouraged through the funding of pilot programs and through the utilization of facilitators from the Commissioner's office. Programs operating collaboratively, encouraging local interagency cooperation directly in the intake and assessment process are to be pursued. In such communities where need justifies such a model, representatives of law enforcement, education, mental health agencies, substance abuse programs and other key agency representatives will jointly staff the intake and assessment center.

Information System Reform.

2. Shared Information.

All barriers to information sharing shall be removed and individuals and agencies involved with juveniles shall share information. Schools, law enforcement agencies, non-profit/private service providers, state agencies and others shall share and have access to appropriate information regarding a juvenile.

Placement.

1. Placement Options. Reforms shall be implemented to create a full continuum of placement options from immediate intervention programs to maximum security incarceration. In building this system the state and local communities (by judicial district) shall share responsibilities. The following shall guide our development of a statewide system.

- c. The Commissioner shall assist local communities in developing community based placement options and programs. By blending a community matrix with a state matrix a full range of placement options, tailored to the needs of each community, will be available.

continued

Placement.

Youth Centers.

Our state youth centers shall be administered with the following reforms recommended:

2. Intermediate/Long-Term Reforms.

- a. The mission of the youth centers shall be restructured to allow greater specialization. Instead of assigning juveniles based on age and sex a more appropriate classification model would be developed for each institution. A military corps model might be utilized in one facility and a substance abuse focus might characterize another.
- b. Assignment to a specific state custody facility would be made based on information collected at intake and assessment and at a juvenile reception and diagnostic center and information contained in the court's presentence report.
- c. A reception and diagnostic function shall be created and utilized to effectively administer placements at all state youth correctional facilities.
- d. Community corrections services for juveniles and aftercare transition services for juvenile offenders released from a state juvenile correctional facility shall be available in each judicial district.

2 New Sec. 7. (a) The supreme court shall promulgate rules for the
 3 establishment of a juvenile intake and assessment system and for the
 4 establishment and operation of juvenile intake and assessment programs
 5 in each judicial district. On and after July 1, 1997, the secretary of social
 6 and rehabilitation services may contract with the commissioner of juvenile
 7 justice to provide for the juvenile intake and assessment system and pro-
 8 grams for children in need of care. If the secretary does not contract with
 9 the commissioner, the secretary shall promulgate rules and regulations
 10 for the juvenile intake and assessment system and programs concerning
 11 children in need of care. On and after July 1, 1997, the commissioner of
 12 juvenile justice shall promulgate rules and regulations for the juvenile
 13 intake and assessment system and programs concerning juvenile of-
 14 fenders.

15 (b) All records, reports and information obtained as a part of the
 16 juvenile intake and assessment process shall be confidential and shall not
 17 be disclosed except as provided in this section, by supreme court rule
 18 prior to July 1, 1997, or by rules and regulations established by the sec-
 19 retary of social and rehabilitation services or the commissioner of juvenile
 20 justice on and after July 1, 1997.

21 (1) Any court of record may order the disclosure of such records,
 22 reports and other information to any person or entity.

23 (2) The head of any juvenile intake and assessment program, certified
 24 pursuant to supreme court rule prior to July 1, 1997, or the secretary of
 25 social and rehabilitation services or the commissioner of juvenile justice
 26 on and after July 1, 1997, may authorize disclosure of such records, re-
 27 ports and other information to:

28 (A) A person licensed to practice the healing arts who has before that
 29 person a child whom the person reasonably suspects may be abused or
 30 neglected;

31 (B) a court-appointed special advocate for a child, which advocate
 32 reports to the court, or an agency having the legal responsibility or au-
 33 thorization to care for, treat or supervise a child;

34 (C) a parent or other person responsible for the welfare of a child,
 35 or such person's legal representative, with protection for the identity of
 36 persons reporting and other appropriate persons;

37 (D) the child or the guardian ad litem for such child;

38 (E) the police or other law enforcement agency;

39 (F) an agency charged with the responsibility of preventing or treat-
 40 ing physical, mental or emotional abuse or neglect or sexual abuse of
 41 children, if the agency requesting the information has standards of con-
 42 fidentiality as strict or stricter than the requirements of the Kansas code
 43 for care of children or the Kansas juvenile justice code, whichever is
 1 to:

2 (A) Participation of the child in counseling;

3 (B) participation of members of the child's family in counseling;

4 (C) participation by the child, members of the child's family and other
 5 relevant persons in mediation;

6 (D) provision of inpatient treatment for the child;

7 (E) referral of the child and the child's family to the secretary of social
 8 and rehabilitation services for services and the agreement of the child and

Intake and Assessment.

1. Commissioner to Oversee Intake and Assessment.

Intake and Assessment functions shall be conducted by the Commissioner of Juvenile Justice.

Information System Reform.

7. Scope of Information Database.

Information available to system users shall include information collected at intake and assessment centers. Such information shall include:

- a. Information collected by utilizing a standardized risk assessment tool (for example, the POSIT, a Problem Oriented Screening Instrument for Teens).
- b. Criminal (Delinquency) history; including indications of criminal gang involvement.
- c. Abuse history.
- d. Substance abuse history.
- e. History of prior services/treatments provided.
- f. Educational history.
- g. Medical history.
- h. Family history.

Additional information may be collected/utilized at local option. The commissioner shall monitor the collection and utilization of information to ensure that information is current and accurate. Further, the commissioner shall determine if all information listed above is being utilized and, if not, determine if modification of the list is appropriate to achieve efficiencies.

Insert page 6 from HB 2900
5

9 family to accept and participate in the services offered;

10 (F) referral of the child and the child's family to available community
11 resources or services and the agreement of the child and family to accept
12 and participation the services offered;

13 (G) requiring the child and members of the child's family to enter
14 into a behavioral contract which may provide for regular school atten-
15 dance among other requirements; or

16 (H) any special conditions necessary to protect the child from future
17 or further abuse or neglect.

18 (3) Deliver the child to a shelter facility or a licensed attendant care
19 center along with the law enforcement officer's written application. The
20 shelter facility or licensed attendant care facility shall then have custody
21 as if the child had been directly delivered to the facility by the law en-
22 forcement officer pursuant to K.S.A. 38-1528, and amendments thereto.

23 (4) Refer the child to the county or district attorney for appropriate
24 proceedings to be filed or refer the child and family to the secretary of
25 social and rehabilitation services for investigations in regard to the alle-
26 gations.

27 (e) The report of the child in need of care intake and assessment
28 process and any documents involved therein shall be distributed to the
29 persons or entities provided by supreme court rule or district court rule
30 prior to July 1, 1997, or by rules and regulations established by the sec-
31 retary of social and rehabilitation services.

32 (f) Upon a juvenile being taken into custody pursuant to K.S.A. 38-
33 1624, and amendments thereto, a juvenile intake and assessment worker
34 shall complete the intake and assessment process as required by supreme
35 court rule or district court rule prior to July 1, 1997, or rules and regu-
36 lations established by the commissioner of juvenile justice on and after
37 July 1, 1997.

38 (g) In addition to any other information required by the supreme
39 court rule, the secretary, the commissioner, or by the district court of
40 such district, the juvenile intake and assessment worker shall collect the
41 following information:

42 (1) A standardized risk assessment tool, such as the problem oriented
43 screening instrument for teens;

1 (2) criminal history, including indications of criminal gang involve-
2 ment;

3 (3) abuse history;

4 (4) substance abuse history;

5 (5) history of prior community services used or treatments provided;

6 (6) educational history;

7 (7) medical history; and

8 (8) family history.

9 New Sec. 8. On and after July 1, 1997:

10 (a) If an extended jurisdiction juvenile prosecution results in a guilty
11 plea or finding of guilt, the court shall:

12 (1) Impose one or more juvenile sentences under K.S.A. 38-1663,
13 and amendments thereto; and

14 (2) impose an adult criminal sentence, the execution of which shall
15 be stayed on the condition that the juvenile offender not violate the pro-

16 visions of the juvenile sentence and not commit a new offense.

17 (b) When it appears that a person convicted as an extended jurisdic-
18 tion juvenile has violated the conditions of the stayed adult sentence, the
19 court, without notice, may revoke the stay and probation and direct that
20 the juvenile offender be taken into immediate custody. The court shall
21 notify the juvenile offender and such juvenile offender's attorney of rec-
22 ord, in writing by certified mail, return receipt requested, of the reasons
23 alleged to exist for revocation of the stay of execution of the adult sen-
24 tence. If the juvenile offender challenges the reasons, the court shall hold
25 a hearing on the issue at which the juvenile offender is entitled to be
26 heard and represented by counsel. After the hearing, if the court finds
27 that reasons exist to revoke the stay of execution of the juvenile sentence,
28 the court shall treat the juvenile offender as an adult and order any of
29 the adult sanctions authorized by K.S.A. 21-4603d, and amendments
30 thereto.

31 (c) Any juvenile who has been sentenced pursuant to subsection (a)
32 and is serving the juvenile sentence, upon becoming 18 years of age, such
33 juvenile is allowed a court hearing to review such juvenile sentence. If
34 such juvenile sentence is continued, the court shall set a date of further
35 review in no later than 36 months.

36 (d) This section shall be part of and supplemental to the Kansas ju-
37 venile justice code.

2-7

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11 plea or finding of guilt, the court shall:

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34 such juvenile sentence is continued, the court shall set a date of further
35 review in no later than 36 months.

36 (d) This section shall be part of and supplemental to the Kansas ju-
37 venile justice code.

Placement.

2. Dual Sentencing. Juvenile courts shall be allowed to impose both a juvenile sentence and an adult criminal sentence on an offender regardless of age at time of offense. Based on a Minnesota law, if a juvenile successfully completes a rehabilitative program pursuant to the juvenile sentence the court may release the offender. However, if the offender is not amenable to rehabilitation in the juvenile system, the adult sentence can be imposed. The commissioner would have authority to move the court for an order of release or seek transfer to the Secretary of Corrections. All juveniles dually sentenced would be subject to an automatic court hearing at age 18. If retained in the juvenile system at age 18, the court would be required to establish a date to review the case again at least within 36 months. Juvenile Court jurisdiction would extend to age 23.

38 New Sec. 9. On and after July 1, 1997:

39 (a) In any case in which the commissioner pays for the expenses of
40 care and custody of a child pursuant to K.S.A. 38-1601 et seq., and amend-
41 ments thereto, an assignment of all past, present and future support rights
42 of the child in custody possessed by either parent or other person entitled
43 to receive support payments for the child is, by operation of law, conveyed
1 to the commissioner. Such assignment shall become effective upon place-
2 ment of a child in the custody of the commissioner or upon payment of
3 the expenses of care and custody of a child by the commissioner without
4 the requirement that any document be signed by the parent or other
5 person entitled to receive support payments for the child. When the com-
6 missioner pays for the expenses of care and custody of a child or a child
7 is placed in the custody of the commissioner, the parent or other person
8 entitled to receive support payments for the child is also deemed to have
9 appointed the commissioner, or the commissioner's designee, as attorney
10 in fact to perform the specific act of negotiating and endorsing all drafts,
11 checks, money orders or other negotiable instruments representing sup-
12 port payments received by the commissioner on behalf of the child. This
13 limited power of attorney shall be effective from the date the assignment
14 to support rights becomes effective and shall remain in effect until the
15 assignment of support rights has been terminated in full.

16 (b) If an assignment of support rights is deemed to have been made
17 pursuant to subsection (a), support payments shall be made to the juvenile
18 justice authority.

19 (c) If a court has ordered support payments to be made to an appli-
20 cant for or recipient of financial assistance or other person whose support
21 rights are assigned, the commissioner shall file a notice of the assignment
22 with the court ordering the payments without the requirement that a copy
23 of the notice be provided to the obligee or obligor. The notice shall not
24 require the signature of the applicant, recipient or obligee on any accom-
25 panying assignment document. The notice shall include:

- 26 (1) A statement that the assignment is in effect;
- 27 (2) the name of any child and the caretaker or other adult for whom
28 support has been ordered by the court;
- 29 (3) the number of the case in which support was ordered; and
- 30 (4) a request that the payments ordered be made to the commissioner
31 of juvenile justice.

32 (d) Upon receipt of the notice and without the requirement of a hear-
33 ing or order, the court shall forward all support payments, including those
34 made as a result of any garnishment, contempt, attachment, income with-
35 holding, income assignment or release of lien process, to the commis-
36 sioner until the court receives notification of the termination of the as-
37 signment.

38 (e) If the claim of the commissioner for repayment of the child's share
39 of the costs of care and custody of a child under K.S.A. 38-1601 et seq.,
40 and amendments thereto, is not satisfied when such aid is discontinued,
41 the commissioner shall file a notice of partial termination of assignment
42 of support rights with the court which will preserve the assignment in
43 regard to unpaid support rights which were due and owing at the time of

Parental Responsibility.

1. Financial Accountability: To enhance financial recovery for the costs of services provided, the following shall be enacted:

- b. A judge may order reimbursement by parents to pay for services provided to a juvenile in an amount determined by the court but not to exceed the actual cost of such services. Parents would be allowed to request a hearing to challenge such an order.

1 the discontinuance of such aid. A copy of the notice of the partial ter-
2 mination of the assignment need not be provided to the obligee or obligor.

3 The notice shall include:

- 4 (1) A statement that the assignment has been partially terminated;
- 5 (2) the name of any child and the caretaker or other adult for whom
- 6 support has been ordered by the court;
- 7 (3) the number of the case in which support was ordered; and
- 8 (4) the date the assignment was partially terminated.

9 (f) Upon receipt of the notice and without the requirement of a hear-
10 ing or order, the court shall forward all payments made to satisfy support
11 arrearages due and owing as of the date the assignment of support rights
12 was partially terminated to the commissioner until the court receives no-
13 tification of the termination of the assignment.

14 (g) If the commissioner or the commissioner's designee has on file
15 with the court ordering support payments, a notice of assignment of sup-
16 port rights pursuant to subsection (c) or a notice of partial termination of
17 assignment of support rights pursuant to subsection (e), the commissioner
18 shall be considered a necessary party in interest concerning any legal
19 action to enforce, modify, settle, satisfy or discharge an assigned support
20 obligation and, as such, shall be given notice by the party filing such action
21 in accordance with the rules of civil procedure.

22 (h) Upon written notification by the commissioner's designee that
23 assigned support has been collected pursuant to K.S.A. 44-718 or 75-
24 6201 *et seq.*, and amendments thereto, or section 464 of title IV, part D,
25 of the federal social security act, or any other method of direct payment
26 to the commissioner, the clerk of the court or other record keeper where
27 the support order was established, shall enter the amounts collected by
28 the commissioner in the court's payment ledger or other record to insure
29 that the obligor is credited for the amounts collected.

30 (i) An assignment of support rights pursuant to subsection (a) shall
31 remain in full force and effect so long as the commissioner is providing
32 public assistance in accordance with a plan under which federal moneys
33 are expended on behalf of the child for the expenses of a child in the
34 commissioner's care or custody pursuant to K.S.A. 38-1601 *et seq.*, and
35 amendments thereto. Upon discontinuance of all such assistance and sup-
36 port enforcement services, the assignment shall remain in effect as to
37 unpaid support obligations due and owing at the time of the discontinu-
38 ance of assistance until the claim of the commissioner for repayment of
39 the unreimbursed portion of any assistance is satisfied. Nothing herein
40 shall affect or limit the rights of the commissioner under an assignment
41 of rights to payment for medical care from a third party pursuant to
42 section 15, and amendments thereto.

43 (j) This section shall be part of and supplemental to the Kansas ju-
1 venile justice code.

9. 12-13

42 New Sec. 14. On and after July 1, 1996, the department of correc-
43 tions, through an interagency agreement with the department of social
1 and rehabilitation services, shall develop a plan to construct a maximum
2 security juvenile correctional facility or facilities. Such facility or facilities
3 shall be designed to house violent, chronic and serious juvenile offenders;
4 and to accommodate other services and functions, such as detention cen-
5 ters, intake and assessment centers and reception and diagnostic services.
6 Such plans shall be presented to the joint committee on state building
7 construction.

Placement.

Youth Centers.

Our state youth centers shall be administered with the following reforms recommended:

3. Maximum Security Facility. To augment our state's juvenile placement options, a maximum security youth correctional program shall be developed pursuant to the following:

- a. Federal funds to assist with construction costs shall be sought and cost-efficient conversion of existing state facilities shall be considered.
- b. The program would be designed to house chronic, serious and violent juvenile offenders.
- c. A capacity of 150 beds is required to meet existing needs.
- d. The Department of Corrections shall have responsibility, with appropriate appropriations, to develop a plan to construct a facility or facilities to house 150 offenders.
- e. Ideally, three 50 bed facilities would be built, dispersed geographically throughout the state with flexibility of expansion or future conversion to other uses. Facilities should also be planned to accommodate the possible co-location of other functions such as detention or intake and assessment centers, or reception and diagnostic services.
- f. It is anticipated that the maximum security facilities would be administered by the Department of Corrections pursuant to a contract with the commissioner.

1-2

8 New Sec. 15. On and after July 1, 1997:
9 (a) All individual and group health insurance policies providing cov-
10 erage on an expense incurred basis, individual and group service or in-
11 demnity type contracts issued by a profit or nonprofit corporation and all
12 contracts issued by health maintenance organizations organized or au-
13 thorized to transact business in this state which provides coverage for a
14 family member of the enrollee, insured or subscriber shall, as to such
15 family members' coverage, also provide that the health insurance benefits
16 applicable for children shall be payable with respect to a child in the
17 custody of the commissioner of juvenile justice.
18 (b) The contract issued by a health maintenance organization may
19 provide that the benefits required pursuant to this subsection shall be
20 covered benefits only if the services are rendered by a provider who is
21 designated by and affiliated with the health maintenance organization.

Parental Responsibility.

1. Financial Accountability: To enhance financial recovery for the costs of services provided, the following shall be enacted:
 - a. Private insurance companies may not exclude coverage for treatment when a juvenile is in custody.

2-12

22 New Sec. 16. (a) If any parent or guardian who is ordered to pay
 23 support or for services provided to a juvenile pursuant to the juvenile
 24 justice code, K.S.A. 38-1601 *et seq.*, and amendments thereto, fails to pay
 25 for such support or services and a finding of contempt is entered by the
 26 district court, the district court where such order for support or services
 27 was issued may revoke, suspend or cancel such parent or guardian's pro-
 28 fessional license that is issued by the state of Kansas.

29 (b) Upon receiving notice of such action taken pursuant to subsection
 30 (a), any state board, commission or agency that issued such professional
 31 license shall revoke, suspend or cancel such license.

32 (c) If any parent or guardian who is ordered to pay support or for
 33 services provided to a juvenile pursuant to the juvenile justice code,
 34 K.S.A. 38-1601 *et seq.*, and amendments thereto, fails to pay for such
 35 support or services, the district court where such order for support or
 36 services was issued may revoke, suspend or cancel such parent or guar-
 37 dian's driver's license.

38 (d) Upon receiving notice of such action taken pursuant to subsection
 39 (c), the division of motor vehicles shall revoke, suspend or cancel such
 40 license.

41 (e) This section shall be part of and supplemental to the juvenile
 42 justice code.

Parental Responsibility.

1. Financial Accountability: To enhance financial recovery for the costs of services provided, the following shall be enacted:
 - c. Any financial obligation imposed on a parent shall be enforced as a civil judgment or pursuant to the court's contempt powers. Failure to satisfy any such obligation may result in revocation of professional licenses or driving privileges, or state set off against tax refunds.

43 Sec. 17. On and after July 1, 1997, K.S.A. 1995 Supp. 8-237 is hereby
 1 amended to read as follows: 8-237. The division of vehicles shall not issue
 2 any driver's license to any person:
 3 (a) Who is under the age of 16 years, except that the division may
 4 issue a restricted class C or M license, as provided in this act, to any
 5 person who: (1) Is at least 15 years of age; (2) has successfully completed
 6 an approved course in driver training; and (3) upon the written application
 7 of the person's parent or guardian. Except as hereafter provided, the
 8 application of the parent or guardian shall be submitted to the division.
 9 The governing body of any city, by ordinance, may require the application
 10 of any person who is under 16 years of age and who resides within the
 11 city to be first submitted to the chief law enforcement officer of the city.
 12 The board of county commissioners of any county, by resolution, may
 13 require the application of any person who is under 16 years of age and
 14 who resides within the county and outside the corporate limits of any city
 15 to be first submitted to the chief law enforcement officer of the county.
 16 No ordinance or resolution authorized by this subsection shall become
 17 effective until a copy of it is transmitted to the division of vehicles. The
 18 chief law enforcement officer of any city or county which has adopted
 19 the ordinance or resolution authorized by this subsection shall make a
 20 recommendation on the application as to the necessity for the issuance
 21 of the restricted license, and the recommendation shall be transmitted,
 22 with the application, to the division of vehicles. If the division finds that
 23 it is necessary to issue the restricted license, it shall issue a driver's license
 24 to the person.

25 A restricted class C license issued under this subsection shall entitle
 26 the licensee, while possessing the license, to operate any motor vehicle
 27 in class C, as designated in K.S.A. 8-234b, and amendments thereto. A
 28 restricted class M license shall entitle the licensee, while possessing such
 29 license, to operate a motorcycle. The restricted license shall entitle the
 30 licensee to operate the appropriate vehicle at any time: (1) While going
 31 to or from or in connection with any job, employment or farm-related
 32 work; (2) on days while school is in session, over the most direct and
 33 accessible route between the licensee's residence and school of enroll-
 34 ment for the purposes of school attendance; (3) when the licensee is
 35 operating a passenger car, at any time when accompanied by an adult
 36 who is the holder of a valid commercial driver's license, class A, B or C
 37 driver's license and who is actually occupying a seat beside the driver; or
 38 (4) when the licensee is operating a motorcycle, at any time when accom-
 39 panied by an adult who is the holder of a valid class M driver's license
 40 and who is operating a motorcycle in the general proximity of the licensee.

41 Any licensee issued a restricted license under this subsection shall not
 42 operate any motor vehicle with nonsibling minor passengers.

43 A restricted driver's license issued under this subsection is subject to

Parental Responsibility.

3. School Attendance. Absent parental consent, a child shall be required to attend school until the age of 18. [The court may revoke driving privileges for anyone less than eighteen years of age who is not regularly enrolled in school, including those suspended or expelled.]

1 suspension or revocation in the same manner as any other driver's license.
2 In addition, the division may suspend the restricted driver's license upon
3 receiving satisfactory evidence that: (1) The licensee has violated the re-
4 striction of the license, (2) the licensee has been involved in two or more
5 accidents chargeable to the licensee or (3) the recommendation of the
6 chief law enforcement officer of any city or county requiring the rec-
7 ommendation has been withdrawn. The suspended license shall not be
8 reinstated for one year or until the licensee reaches the age of 16, which-
9 ever period is longer.

10 (b) Who is under the age of 18 years, except as provided in K.S.A.
11 1995 Supp. 8-2,147, and amendments thereto, for the purpose of driving
12 a commercial or class A or B motor vehicle.

13 (c) Whose license is currently revoked, suspended or canceled in this
14 or any other state, except as provided in K.S.A. 8-256, and amendments
15 thereto.

16 (d) Who is a habitual drunkard, habitual user of narcotic drugs or
17 habitual user of any other drug to a degree which renders the user in-
18 capable of safely driving a motor vehicle.

19 (e) Who has previously been adjudged to be afflicted with or suffering
20 from any mental disability or disease and who, at the time of making
21 application for a driver's license, has not been restored to capacity in the
22 manner provided by law. Application of this limitation to any person
23 known to have suffered any seizure disorder is subject to the provisions
24 of paragraph (7) of subsection (e) of K.S.A. 8-247, and amendments
25 thereto.

26 (f) Who is required by the motor vehicle drivers' license act to take
27 an examination, unless the person has successfully passed the examina-
28 tion.

29 (g) Who is at least 16 years of age and less than 17 years of age, who
30 is applying for a driver's license for the first time since reaching 16 years
31 of age and who, three times or more, has been adjudged to be a traffic
32 offender under the Kansas juvenile code or a juvenile offender under the
33 Kansas juvenile offenders justice code, by reason of violation of one or
34 more statutes regulating the movement of traffic on the roads, streets or
35 highways of this state, except that, in the discretion of the director, the
36 person may be issued a driver's license which is restricted in the manner
37 the division deems to be appropriate. No person described by this sub-
38 section shall be eligible to receive a driver's license which is not restricted
39 until the person has reached the age of 17 years.

40 (h) Who is under the age of 18 years and is in violation of the com-
41 pulsory attendance requirements of K.S.A. 72-1111, and amendments
42 thereto.

5 Sec. 23. On and after July 1, 1997, K.S.A. 21-3612 is hereby
6 amended to read as follows: 21-3612. (a) Contributing to a child's mis-
7 conduct or deprivation is:

8 (1) Causing or encouraging a child under 18 years of age to become
9 or remain a child in need of care as defined by the Kansas code for care
10 of children;

11 (2) causing or encouraging a child under 18 years of age to commit
12 a traffic infraction or an act which, if committed by an adult, would be a
13 misdemeanor or to violate the provisions of K.S.A. 41-727 or subsection
14 (j) of K.S.A. 74-8810 and amendments thereto;

15 (3) failure to reveal, upon inquiry by a uniformed or properly iden-
16 tified law enforcement officer engaged in the performance of such offi-
17 cer's duty, any information one has regarding a runaway, with intent to
18 aid the runaway in avoiding detection or apprehension;

19 (4) sheltering or concealing a runaway with intent to aid the runaway
20 in avoiding detection or apprehension by law enforcement officers; ~~or~~

21 (5) causing or encouraging a child under 18 years of age to commit
22 an act which, if committed by an adult, would be a felony; *or*

23 (6) *causing or encouraging a child to violate the terms or conditions*
24 *of the child's probation pursuant to subsection (a)(1) of K.S.A. 38-1663,*
25 *and amendments thereto.*

26 Contributing to a child's misconduct or deprivation as described in
27 subsection (a)(1), (2) ~~or~~, (3) *or* (6) is a class A nonperson misdemeanor.
28 Contributing to a child's misconduct or deprivation as described in sub-
29 section (a)(4) is a severity level 8, person felony. Contributing to a child's
30 misconduct or deprivation as described in subsection (a)(5) is a severity
31 level 7, person felony.

32 (b) A person may be found guilty of contributing to a child's miscon-
33 duct or deprivation even though no prosecution of the child whose mis-
34 conduct or deprivation the defendant caused or encouraged has been
35 commenced pursuant to the Kansas code for care of children, Kansas
36 juvenile ~~offenders~~ *justice* code or Kansas criminal code.

37 (c) As used in this section, "runaway" means a child under 18 years
38 of age who is willfully and voluntarily absent from:

39 (1) The child's home without the consent of the child's parent or
40 other custodian; or

41 (2) a court ordered or designated placement, or a placement pursuant
42 to court order, if the absence is without the consent of the person with
43 whom the child is placed or, if the child is placed in a facility, without
1 the consent of the person in charge of such facility or such person's des-
2 ignee.

3 (d) This section shall be part of and supplemental to the Kansas crim-
4 inal code.

Parental Responsibility.

2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:

- a. Expand the scope of K.S.A. 21-3612 to include adult conduct which assists or participates in the violation of the terms of a juvenile's probation within the crime of contributing to a child's misconduct or deprivation.

20 Sec. 25. On and after July 1, 1997, K.S.A. 22-4701 is hereby
 21 amended to read as follows: 22-4701. As used in this act, unless the con-
 22 text clearly requires otherwise:
 23 (a) "Central repository" means the criminal justice information sys-
 24 tem central repository created by this act and the juvenile offender in-
 25 formation system created pursuant to K.S.A. 38-1618, and amendments
 26 thereto.
 27 (b) "Criminal history record information" means data initiated or col-
 28 lected by a criminal justice agency on a person pertaining to a reportable
 29 event. The term does not include:
 30 (1) Data contained in intelligence or investigatory files or police work-
 31 product records used solely for police investigation purposes;
 32 (2) juvenile offender information other than data pertaining to a per-
 33 son following waiver of jurisdiction pursuant to the Kansas juvenile code
 34 or an authorization for prosecution as an adult pursuant to the Kansas
 35 juvenile offenders justice code;
 36 (3) wanted posters, police blotter entries, court records of public ju-
 37 dicial proceedings or published court opinions;
 38 (4) data pertaining to violations of the traffic laws of the state or any
 39 other traffic law or ordinance, other than vehicular homicide; or
 40 (5) presentence investigation and other reports prepared for use by
 41 a court in the exercise of criminal jurisdiction or by the governor in the
 42 exercise of the power of pardon, reprieve or commutation.
 43 (c) "Criminal justice agency" means any government agency or sub-
 1 division of any such agency which is authorized by law to exercise the
 2 power of arrest, detention, prosecution, adjudication, correctional super-
 3 vision, rehabilitation or release of persons suspected, charged or con-
 4 victed of a crime and which allocates a substantial portion of its annual
 5 budget to any of these functions. The term includes, but is not limited
 6 to, the following agencies, when exercising jurisdiction over criminal mat-
 7 ters or criminal history record information:
 8 (1) State, county, municipal and railroad police departments, sheriffs'
 9 offices and countywide law enforcement agencies, correctional facilities,
 10 jails and detention centers;
 11 (2) the offices of the attorney general, county or district attorneys and
 12 any other office in which are located persons authorized by law to pros-
 13 ecute persons accused of criminal offenses;
 14 (3) the district courts, the court of appeals, the supreme court, the
 15 municipal courts and the offices of the clerks of these courts;
 16 (4) the Kansas sentencing commission; and
 17 (5) the Kansas parole board; and
 18 (6) the juvenile justice authority.
 19 (d) "Criminal justice information system" means the equipment (in-
 20 cluding computer hardware and software), facilities, procedures, agree-
 21 ments and personnel used in the collection, processing, preservation and
 22 dissemination of criminal history record information.
 23 (e) "Director" means the director of the Kansas bureau of investi-
 24 gation.
 25 (f) "Disseminate" means to transmit criminal history record infor-

17

Commissioner of Juvenile Justice:
Powers/Duties/Functions.

3. Access to Records. To ensure maximum access to records the juvenile justice authority shall be designated a criminal justice agency and an educational agency and the commissioner shall be a member of the Criminal Justice Coordinating Council. The commissioner shall have access to all existing and historical Kansas juvenile justice records.

26 mation in any oral or written form. The term does not include:
27 (1) The transmittal of such information within a criminal justice
28 agency;
29 (2) the reporting of such information as required by this act; or
30 (3) the transmittal of such information between criminal justice agen-
31 cies in order to permit the initiation of subsequent criminal justice pro-
32 ceedings against a person relating to the same offense.
33 (g) "Juvenile offender information" has the meaning provided by
34 K.S.A. 38-1617, and amendments thereto.
35 (h) "Reportable event" means an event specified or provided for in
36 K.S.A. 22-4705, and amendments thereto.

81-2

12 Sec. 34. On and after July 1, 1996, K.S.A. 38-1522 is hereby
 13 amended to read as follows: 38-1522. (a) When any of the following per-
 14 sons has reason to suspect that a child has been injured as a result of
 15 physical, mental or emotional abuse or neglect or sexual abuse, the person
 16 shall report the matter promptly as provided in subsection (c) or (e):
 17 Persons licensed to practice the healing arts or dentistry; persons licensed
 18 to practice optometry; persons engaged in postgraduate training programs
 19 approved by the state board of healing arts; licensed psychologists; li-
 20 censed professional or practical nurses examining, attending or treating a
 21 child under the age of 18; teachers, school administrators or other em-
 22 ployees of a school which the child is attending; chief administrative of-
 23 ficers of medical care facilities; registered marriage and family therapists;
 24 persons licensed by the secretary of health and environment to provide
 25 child care services or the employees of persons so licensed at the place
 26 where the child care services are being provided to the child; licensed
 27 social workers; firefighters; emergency medical services personnel; me-
 28 diators appointed under K.S.A. 23-602 and amendments thereto; *juvenile*
 29 *intake and assessment workers*; and law enforcement officers. The report
 30 may be made orally and shall be followed by a written report if requested.
 31 When the suspicion is the result of medical examination or treatment of
 32 a child by a member of the staff of a medical care facility or similar
 33 institution, that staff member shall immediately notify the superinten-
 34 dent, manager or other person in charge of the institution who shall make
 35 a written report forthwith. Every written report shall contain, if known,
 36 the names and addresses of the child and the child's parents or other
 37 persons responsible for the child's care, the child's age, the nature and
 38 extent of the child's injury (including any evidence of previous injuries)
 39 and any other information that the maker of the report believes might be
 40 helpful in establishing the cause of the injuries and the identity of the
 41 persons responsible for the injuries.
 42 (b) Any other person who has reason to suspect that a child has been
 43 injured as a result of physical, mental or emotional abuse or neglect or
 1 sexual abuse may report the matter as provided in subsection (c) or (e).
 2 (c) Except as provided by subsection (e), reports made pursuant to
 3 this section shall be made to the state department of social and rehabil-
 4 itation services. When the department is not open for business, the re-
 5 ports shall be made to the appropriate law enforcement agency. On the
 6 next day that the state department of social and rehabilitation services is
 7 open for business, the law enforcement agency shall report to the de-
 8 partment any report received and any investigation initiated pursuant to
 9 subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports
 10 may be made orally or, on request of the department, in writing.
 11 (d) Any person who is required by this section to report an injury to
 12 a child and who knows of the death of a child shall notify immediately
 13 the coroner as provided by K.S.A. 22a-242, *and amendments thereto.*

Intake and Assessment.

4. Statutory Clarification.

The juvenile offender code shall be revised to more clearly define the role of intake and assessment. Intake and assessment workers shall be granted specific authority to set conditions for release, be listed as mandatory reports of alleged child abuse, be authorized to take custody of a juvenile from law enforcement and be granted authority to assist juveniles in accessing services.

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14 (e) Reports of child abuse or neglect occurring in an institution op-
15 erated by the secretary shall be made to the attorney general. All other
16 reports of child abuse or neglect by persons employed by or of children
17 of persons employed by the state department of social and rehabilitation
18 services shall be made to the appropriate law enforcement agency.
19 (f) Willful and knowing failure to make a report required by this sec-
20 tion is a class B misdemeanor.
21 (g) Preventing or interfering with, with the intent to prevent, the
22 making of a report required by this section is a class B misdemeanor.

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25 Sec. 38. On and after July 1, 1996, K.S.A. 1995 Supp. 38-1602 is
26 hereby amended to read as follows: 38-1602. As used in this code, unless
27 the context otherwise requires:

28 (a) "Juvenile" means a person 10 or more years of age but less than
29 18 years of age.

30 (b) "Juvenile offender" means a person who does an act while a ju-
31 venile which if done by an adult would constitute the commission of a
32 felony or misdemeanor as defined by K.S.A. 21-3105 and amendments
33 thereto or who violates the provisions of K.S.A. 21-4204a or K.S.A. 41-
34 727 or subsection (j) of K.S.A. 74-8810, and amendments thereto, but
35 does not include:

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

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

40 (3) a person 16 years of age or over who is charged with a felony or
41 with more than one offense of which one or more is a felony after having
42 been adjudicated in a separate prior juvenile proceeding as having com-
43 mitted an act which would constitute a felony if committed by an adult
1 and the adjudications occurred prior to the date of the commission of the
2 new act charged;

3 (4) a person who has been prosecuted as an adult by reason of sub-
4 section (b)(3) and whose prosecution results in conviction of a crime;

5 (5) a person whose prosecution as an adult is authorized pursuant to
6 K.S.A. 38-1636 and amendments thereto;

7 (6) a person who has been convicted of aggravated juvenile delin-
8 quency as defined by K.S.A. 21-3611 and amendments thereto; or

9 (7) a person 16 years of age or over who has been adjudicated to be
10 a juvenile offender under the Kansas juvenile offender's code and who is
11 charged with committing a felony or more than one offense of which one
12 or more is a felony while confined in any training or rehabilitation facility
13 under the jurisdiction and control of the department of social and reha-
14 bilitation services or while running away or escaping from any such in-
15 stitution or facility.

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

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

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

27 (f) "Juvenile detention facility" means any secure public or private
28 facility which is used for the lawful custody of accused or adjudicated
29 juvenile offenders and which must not be a jail.

30 (g) "State youth center" means a facility operated by the secretary

Placement.

3. Waiver to the Adult Criminal System.

No "automatic" waivers of juveniles to the adult criminal system shall occur. The waiver of juveniles to the adult criminal justice system shall occur pursuant to the following:

- a. A juvenile, subject to the offender code, may be waived to adult status, regardless of age or offense, upon the court granting a motion brought by the state. The offender shall be presumed a juvenile unless good cause is shown to justify prosecution as an adult. Juvenile court jurisdiction for actions arising under the juvenile offender code commences at age 10.
- b. Upon a motion by the prosecutor, a juvenile, age 14, 15, 16 or 17 accused of an offense for which incarceration would be presumed pursuant to adult sentencing guidelines if the juvenile were convicted as an adult shall be presumed to be an adult and shall be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- c. Upon a motion by the prosecutor, a juvenile age 14, 15, 16 or 17 accused of an offense committed while in possession of a firearm shall be presumed to be an adult and shall be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- d. Upon a motion by the prosecutor, a juvenile, regardless of age, accused of the equivalent of a felony that has previously been found to have committed a felony shall be presumed an adult and may be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- e. As an alternative to waiver to adult status the prosecutor may seek dual sentencing of a juvenile accused of an offense, regardless of age. The juvenile shall be presumed to be subject to dual sentencing under the same circumstances that a presumption of adult status would arise if the prosecutor sought to waive the juvenile to adult status.
- f. The prosecutor retains the discretion in all cases to seek juvenile adjudication, seek dual adjudication or seek waiver to adult status. The court must determine the juvenile's status in all cases.

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31 for juvenile offenders.

32 (h) "Warrant" means a written order by a judge of the court directed
33 to any law enforcement officer commanding the officer to take into cus-
34 tody the juvenile named or described therein.

35 (i) "Secretary" means the secretary of social and rehabilitation serv-
36 ices.

37 (j) "Jail" means:

38 (1) An adult jail or lockup; or

39 (2) a facility in the same building as an adult jail or lockup, unless the
40 facility meets all applicable licensure requirements under law and there
41 is (A) total separation of the juvenile and adult facility spatial areas such
42 that there could be no haphazard or accidental contact between juvenile
43 and adult residents in the respective facilities; (B) total separation in all
1 juvenile and adult program activities within the facilities, including rec-
2 reation, education, counseling, health care, dining, sleeping, and general
3 living activities; and (C) separate juvenile and adult staff, including man-
4 agement, security staff and direct care staff such as recreational, educa-
5 tional and counseling.

6 (k) "Court-appointed special advocate" means a responsible adult,
7 other than an attorney appointed pursuant to K.S.A. 38-1606 and amend-
8 ments thereto, who is appointed by the court to represent the best inter-
9 ests of a child, as provided in ~~section 16 of 1994 Senate Bill No. 657~~
10 *K.S.A. 1995 Supp. 38-1606a, and amendments thereto*, in a proceeding
11 pursuant to this code.

12 (l) "*Juvenile intake and assessment worker*" means a responsible adult
13 *authorized to perform intake and assessment services as part of the intake*
14 *and assessment system established pursuant to section 7.*

8 Sec. 40. On and after July 1, 1997, K.S.A. 38-1604 is hereby
9 amended to read as follows: 38-1604. (a) Except as provided in K.S.A.
10 38-1636 and 21-3611 and amendments thereto, proceedings concerning
11 a juvenile who appears to be a juvenile offender shall be governed by the
12 provisions of this code.

13 (b) The district court shall have original jurisdiction to receive and
14 determine proceedings under this code.

15 (c) When jurisdiction is acquired by the district court over an alleged
16 juvenile offender it may continue until the juvenile (1) has attained the
17 age of ~~21~~ 23 years, *unless an adult sentence is imposed pursuant to an*
18 *extended jurisdiction juvenile prosecution. If such adult sentence is im-*
19 *posed, jurisdiction shall continue until discharged by the court or other*
20 *process for the adult sentence;* (2) has been discharged by the court; or
21 (3) has been discharged under the provisions of K.S.A. 38-1675, *and*
22 *amendments thereto.*

23 (d) Unless the court finds that substantial injustice would result, the
24 provisions of this code shall govern with respect to acts done prior to the
25 effective date of this code and with respect to juveniles alleged or adju-
26 dicated to have done the acts, to the same extent as if the acts had been
27 done on or after the effective date and the juveniles had been alleged or
28 adjudicated to be juvenile offenders.

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Placement.

1. Placement Options. Reforms shall be implemented to create a full continuum of placement options from immediate intervention programs to maximum security incarceration. In building this system the state and local communities (by judicial district) shall share responsibilities. The following shall guide our development of a statewide system.

- b. The jurisdiction for juvenile court placements shall be expanded from age 21 to age 23.

39 Sec. 44. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1607, as
40 amended by section 43 of this bill, is hereby amended to read as follows:
41 38-1607. (a) *Official file.* The official file of proceedings pursuant to this
42 code shall consist of the complaint, process, service of process, orders,
43 writs and journal entries reflecting hearings held and judgments and de-
1 crees entered by the court. The official file shall be kept separate from
2 other records of the court.

3 (b) The official file shall be open for public inspection as to any ju-
4 venile 14 or more years of age at the time any act is alleged to have been
5 committed except if the judge determines that opening the official file for
6 public inspection is not in the best interest of the juvenile. Information
7 identifying victims and alleged victims of sex offenses, as defined in K.S.A.
8 chapter 21, article 35, shall not be disclosed or open to public inspection
9 under any circumstances. Nothing in this section shall prohibit the victim
10 or alleged victim of any sex offense from voluntarily disclosing their iden-
11 tity. The official file and information identifying the victim or alleged
12 victim of any sex offense shall be privileged as to any other juvenile and
13 shall not be disclosed directly or indirectly to anyone except: If the judge
14 determines that a juvenile file shall not be open for public inspection, the
15 official file and information identifying the victim or alleged victim of any
16 sex offense shall be disclosed only to the following parties:

- 17 (1) A judge of the district court and members of the staff of the court
18 designated by the judge;
- 19 (2) parties to the proceedings and their attorneys;
- 20 (3) any individual, or any public or private agency or institution, hav-
21 ing custody of the juvenile under court order or providing educational,
22 medical or mental health services to the juvenile or a court-approved
23 advocate for the juvenile or any placement provider or potential place-
24 ment provider as determined by the secretary commissioner or court serv-
25 ices officer;
- 26 (4) law enforcement officers or county or district attorneys or their
27 staff when necessary for the discharge of their official duties;
- 28 (5) the Kansas racing commission, upon written request of the com-
29 mission chairperson, for the purpose provided by K.S.A. 74-8804, and
30 amendments thereto;
- 31 (6) the juvenile intake and assessment workers; and
- 32 (7) the commissioner of juvenile justice; and
- 33 ~~(7)~~ (8) any other person when authorized by a court order, subject to
34 any conditions imposed by the order.

35 (c) *Social file.* Reports and information received by the court other
36 than the official file shall be privileged and open to inspection only by
37 attorneys for the parties, juvenile intake and assessment workers or upon
38 order of a judge of the district court or an appellate court. The reports
39 shall not be further disclosed by the attorney without approval of the
40 court or by being presented as admissible evidence.

41 (d) *Preservation of records.* The Kansas state historical society shall
42 be allowed to take possession for preservation in the state archives of any
43 court records related to proceedings under the Kansas juvenile offenders

Information System Reform.

3. Open Records.

The official court file of a juvenile shall be open to the public unless access is restricted by the court upon a finding that opening the file to the public is contrary to the best interests of the child. Absent such a finding, public access to file information shall be permitted subsequent to charges being filed with the court.

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1 *justice* code whenever such records otherwise would be destroyed. The
2 Kansas state historical society shall make available for public inspection
3 any unexpunged docket entry or official file in its custody concerning any
4 juvenile 16 or more years of age at the time an offense is alleged to have
5 been committed by the juvenile. No other such records in the custody of
6 the Kansas state historical society shall be disclosed directly or indirectly
7 to anyone for 80 years after creation of the records, except as provided
8 in subsections (b) and (c). Pursuant to subsections (b)(7) and (c), a judge
9 of the district court may allow inspection for research purposes of any
10 court records in the custody of the Kansas state historical society related
11 to proceedings under the Kansas juvenile ~~offenders~~ *justice* code.
12 (e) Relevant information, reports and records shall be made available
13 to the department of corrections upon request and a showing that the
14 former juvenile has been convicted of a crime and placed in the custody
15 of the secretary of the department of corrections.

15 Sec. 52. On and after July 1, 1996, K.S.A. 38-1617 is hereby
 16 amended to read as follows: 38-1617. As used in K.S.A. 38-1618 and
 17 amendments thereto, unless the context otherwise requires:
 18 (a) "Central repository" has the meaning provided by K.S.A. 22-4701
 19 and amendments thereto.
 20 (b) "Director" means the director of the Kansas bureau of investi-
 21 gation.
 22 (c) "Juvenile offender information" means data relating to juveniles
 23 alleged or adjudicated to be juvenile offenders, offenses committed or
 24 alleged to have been committed by juveniles in proceedings pursuant to
 25 the Kansas juvenile code or Kansas juvenile offenders code.
 26 (d) "Juvenile justice agency" means any county or district attorney,
 27 law enforcement agency of this state or of any political subdivision of this
 28 state, court of this state or of a municipality of this state, administrative
 29 agency of this state or any political subdivision of this state, state youth
 30 center or juvenile detention facility.
 31 (e) "Reportable event" means:
 32 (1) Issuance of a warrant to take a juvenile into custody;
 33 (2) taking a juvenile into custody pursuant to this code;
 34 (3) release of a juvenile who has been taken into custody pursuant to
 35 this code, without the filing of a complaint;
 36 (4) dismissal of a complaint filed pursuant to this code;
 37 (5) an adjudication in a proceeding pursuant to this code;
 38 (6) a disposition in a proceeding pursuant to this code;
 39 (7) commitment to or placement in a youth residential facility, juve-
 40 nile detention facility or state youth center pursuant to this code;
 41 (8) release or discharge from commitment or jurisdiction of the court
 42 pursuant to this code;
 43 (9) escape from commitment or placement pursuant to this code;
 1 (10) entry of a judgment of an appellate court that reverses adjudi-
 2 cation or disposition pursuant to this code;
 3 (11) an order authorizing prosecution as an adult; ~~or~~
 4 (12) *the issuance of an intake and assessment report; or*
 5 (13) any other event arising out of or occurring during the course of
 6 proceedings pursuant to this code and declared to be reportable by rules
 7 and regulations of the director.

Information System Reform.

7. Scope of Information Database.

Information available to system users shall include information collected at intake and assessment centers. Such information shall include:

- a. Information collected by utilizing a standardized risk assessment tool (for example, the POSIT, a Problem Oriented Screening Instrument for Teens).
- b. Criminal (Delinquency) history; including indications of criminal gang involvement.
- c. Abuse history.
- d. Substance abuse history.
- e. History of prior services/treatments provided.
- f. Educational history.
- g. Medical history.
- h. Family history.

Additional information may be collected/utilized at local option. The commissioner shall monitor the collection and utilization of information to ensure that information is current and accurate. Further, the commissioner shall determine if all information listed above is being utilized and, if not, determine if modification of the list is appropriate to achieve efficiencies.

4 Sec. 54. On and after July 1, 1996, K.S.A. 38-1618 is hereby
 5 amended to read as follows: 38-1618. (a) In order to properly advise the
 6 three branches of government on the operation of the juvenile justice
 7 system, there is hereby established within and as a part of the central
 8 repository, as defined by K.S.A. 22-4701 and amendments thereto, a ju-
 9 venile offender information system. The system shall serve as a repository
 10 of juvenile offender information which is collected by juvenile justice
 11 agencies and reported to the system. *Unless extended by an official action*
 12 *of the Kansas criminal justice coordinating council, the juvenile offender*
 13 *information system shall be operational and functional on or before July*
 14 *1, 1997.*

15 (b) Except as otherwise provided by this subsection, every juvenile
 16 justice agency shall report juvenile offender information, whether col-
 17 lected manually or by means of an automated system, to the central re-
 18 pository, in accordance with rules and regulations adopted pursuant to
 19 this section. A juvenile justice agency shall report to the central repository
 20 those reportable events involving a violation of a county resolution or city
 21 ordinance only when required by rules and regulations adopted by the
 22 director.

23 (c) Reporting methods may include:

24 (1) Submission of juvenile offender information by a juvenile justice
 25 agency directly to the central repository;

26 (2) if the information can readily be collected and reported through
 27 the court system, submission to the central repository by the office of
 28 judicial administrator; or

29 (3) if the information can readily be collected and reported through
 30 juvenile justice agencies that are part of a geographically based infor-
 31 mation system, submission to the central repository by the agencies.

32 (d) The director may determine, by rule and regulation, the report-
 33 able events to be reported by each juvenile justice agency, in order to
 34 avoid duplication in reporting.

35 (e) Juvenile offender information maintained in the juvenile offender
 36 information system is confidential and shall not be disseminated or pub-
 37 licly disclosed in a manner which enables identification of any individual
 38 who is a subject of the information, except that the information shall be
 39 open to inspection by law enforcement agencies of this state, by the de-
 40 partment of social and rehabilitation services if related to an individual in
 41 the secretary's custody or control, by the department of corrections if
 42 related to an individual in the secretary's custody or control, by the offi-
 43 cers of any public institution to which the individual is committed, by
 1 county and district attorneys, by attorneys for the parties to a proceeding
 2 under this code, *the intake and assessment worker* or upon order of a
 3 judge of the district court or an appellate court.

4 (f) Any journal entry of an adjudication of a juvenile to be a juvenile
 5 offender shall state the number of the statute under which the juvenile
 6 is adjudicated to be a juvenile offender and specify whether each offense,
 7 if done by an adult, would constitute a felony or misdemeanor, as defined
 8 by K.S.A. 21-3105 and amendments thereto.

9 (g) Any law enforcement agency that willfully fails to make any report

Information System Reform.

1. Computerized Records System.

The KBI shall develop and maintain an information system which is computerized, accurate, current and integrated to provide all agencies and individuals involved in the juvenile justice system with easy and appropriate access to records.

5. Operational Deadline.

By July 1, 1997, the juvenile justice computerized information system shall be operational and functioning in conjunction with the adult criminal justice information system as implemented by the Criminal Justice Coordinating Council. This deadline may be extended by official action of the Criminal Justice Coordinating Council.

6. Current Information.

Incentives shall be developed to encourage the timely entry of records into the juvenile justice information system database.

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10 required by this section shall be liable to the state for the payment of a
11 civil penalty, recoverable in an action brought by the attorney general, in
12 an amount not exceeding \$500 for each report not made. Any civil penalty
13 recovered under this subsection shall be paid into the state general fund.
14 (h) The director shall adopt any rules and regulations necessary to
15 implement, administer and enforce the provisions of this section.
16 (i) K.S.A. 38-1617 and amendments thereto and this section shall be
17 part of and supplemental to the Kansas juvenile offenders code.
18 (j) *The director shall develop incentives to encourage the timely entry*
19 *of juvenile offender information into the central repository.*

34 Sec. 57. On and after July 1, 1996, K.S.A. 38-1624 is hereby
35 amended to read as follows: 38-1624.

21 (c) *Procedure.* When any law enforcement officer takes an alleged
22 juvenile offender into custody pursuant to subsection (a) without a war-
23 rant or court order and determines that the juvenile shall be detained or
24 placed outside the juvenile's home, the juvenile shall be taken without
25 unnecessary delay to an intake and assessment worker if an intake and
26 assessment program exists in the jurisdiction, or before the court for pro-
27 ceedings in accordance with this code or, if the court is not open for the
28 regular conduct of business, to a court services officer, a juvenile intake
29 and assessment worker, a juvenile detention facility or youth residential
30 facility which the court or the secretary of social and rehabilitation serv-
31 ices shall have designated. The officer shall not take the juvenile to a
32 juvenile detention facility unless the juvenile meets one or more of the
33 criteria listed in K.S.A. 38-1640, and amendments thereto. Even if the
34 juvenile meets one or more of such criteria, the officer shall first consider
35 whether taking the juvenile to an available nonsecure facility is more
36 appropriate.

37 It shall be the duty of the officer to furnish the county or district at-
38 torney or the juvenile intake and assessment worker if the officer has
39 delivered such juvenile to the worker, with all of the information in the
40 possession of the officer pertaining to the juvenile; the juvenile's parents,
41 or other persons interested in or likely to be interested in the juvenile;
42 and all other facts and circumstances which caused the juvenile to be
43 arrested or taken into custody.

Intake and Assessment.

4. Statutory Clarification.

The juvenile offender code shall be revised to more clearly define the role of intake and assessment. Intake and assessment workers shall be granted specific authority to set conditions for release, be listed as mandatory reports of alleged child abuse, be authorized to take custody of a juvenile from law enforcement and be granted authority to assist juveniles in accessing services.

22 Sec. 62. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1635 is
23 hereby amended to read as follows: 38-1635. (a) Except as provided in
24 subsection (b), each court may adopt a policy and establish guidelines for
25 a ~~diversion~~ *an immediate intervention* program by which a respondent
26 may avoid ~~such an adjudication~~ *prosecution as a juvenile offender. In*
27 *addition to the court adopting policies and guidelines for the immediate*
28 *intervention programs, the court, the county or district attorney and the*
29 *director of the intake and assessment center, pursuant to a written agree-*
30 *ment, may develop local programs to:*

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

35 (2) *Allow intake and assessment workers to issue a summons, as de-*
36 *defined in subsection (e).*

37 (3) *Allow the intake and assessment centers to directly purchase serv-*
38 *ices for the juveniles and the juvenile's family.*

39 (4) *Allow intake and assessment workers to direct the release of a*
40 *juvenile prior to a detention hearing after the completion of the intake*
41 *and assessment process if the juvenile intake and assessment worker has*
42 *reason to believe that if released the juvenile will appear for further pro-*
43 *ceedings and will not be dangerous to self or others.*

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

6 (1) A violation of K.S.A. 8-1567 and amendments thereto and the
7 respondent: (A) Has previously participated in ~~diversion~~ *an immediate*
8 *intervention program instead of prosecution of a complaint alleging a*
9 *violation of that statute or an ordinance of a city in this state which pro-*
10 *hibits the acts prohibited by that statute; (B) has previously been adju-*
11 *dicated of a violation of that statute or a violation of a law of another state*
12 *or of a political subdivision of this or any other state, which law prohibits*
13 *the acts prohibited by that statute; or (C) during the time of the alleged*
14 *violation was involved in a motor vehicle accident or collision resulting in*
15 *personal injury or death; or*

16 (2) a violation of an off-grid crime, a severity level 1, 2 or 3 felony
17 ~~for nondrug crimes or drug~~ *severity level 1 or 2 felony for drug crimes*
18 *person felony, or a felony or misdemeanor committed when the respon-*
19 *dent was in possession of a deadly weapon.*

20 (c) ~~A diversion~~ *An immediate intervention* program may include a
21 stipulation, agreed to by the respondent, the respondent's attorney and
22 the attorney general or county or district attorney, of the facts upon which
23 the charge is based and a provision that if the respondent fails to fulfill
24 the terms of the specific ~~diversion~~ *immediate intervention* agreement and
25 the ~~adjudication~~ *immediate intervention* proceedings are resumed, the
26 proceedings, including any proceedings on appeal, shall be conducted on

Intake and Assessment.

3. Immediate Intervention Options.

The state shall allow each judicial district, at its option, to develop and implement immediate intervention programs. Pursuant to agreement between the District Attorney and Court and Intake and Assessment Center local programs may be developed to allow:

- a. Direct referral of cases by the prosecutor and/or intake and assessment worker to youth courts.
- b. Allow intake and assessment workers to issue a summons to appear, requiring a court appearance at a date certain.
- c. Develop restorative justice centers and allow direct referrals by intake and assessment workers and/or prosecutors.
- d. Allow direct referral of cases by the prosecutor or intake and assessment worker to citizen review boards or hearing officers for determination.
- e. Intake and assessment centers to directly purchase services for youth and their families.

Immediate Intervention Programs shall be utilized pursuant to specific authorization by the court and prosecutor. State law shall prohibit the use of any such programs for persons who commit felonies or crimes committed while in possession of a deadly weapon.

4. Statutory Clarification.

The juvenile offender code shall be revised to more clearly define the role of intake and assessment. Intake and assessment workers shall be granted specific authority to set conditions for release, be listed as mandatory reports of alleged child abuse, be authorized to take custody of a juvenile from law enforcement and be granted authority to assist juveniles in accessing services.

Parental Responsibility.

2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:

- e. A parent may be made a party to any contract for immediate intervention.

27 the record of the stipulation of facts.

28 (d) *The court may require the parent or guardian of a juvenile of-*
29 *fender to be a part of the immediate intervention program for the juvenile*
30 *offender.*

31 (e) *"Summons" means a written order issued by an intake and as-*
32 *essment worker directing that a respondent appear before a designated*
33 *court at a stated time and place and answer to a charge pending against*
34 *the respondent.*

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16 Sec. 69. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1652 is
 17 hereby amended to read as follows: 38-1652. (a) If the respondent was
 18 16 or more years of age at the time of the alleged offense, the hearing
 19 Except as provided in subsection (b), all court proceedings held pursuant
 20 to the Kansas juvenile justice code shall be open to the public.
 21 (b) If the respondent was under 16 years of age at the time of the
 22 alleged offense court determines that opening the court proceedings to
 23 the public is not in the best interest of the respondent, the court may
 24 exclude all persons except the respondent, the respondent's parents, at-
 25 torneys for interested parties, officers of the court, the witness testifying
 26 and the victim, as defined in subsection (b) of K.S.A. 74-7333 and amend-
 27 ments thereto or such members of the victim's family, as defined in sub-
 28 section (b)(2) of K.S.A. 74-7335 and amendments thereto as the court
 29 deems appropriate. Upon agreement of all interested parties, the court
 30 shall allow other persons to attend the hearing unless the court finds the
 31 presence of the persons would be disruptive to the proceedings.

Information System Reform.

4. Open Proceedings.

All juvenile court proceedings shall be open to the public to the extent allowed in adult criminal proceedings, unless closed by the court upon a finding that open proceedings would be contrary to the best interests of the child.

41 Sec. 77. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1663 is
 42 hereby amended to read as follows: 38-1663. (a) When a respondent has
 43 been adjudged to be a juvenile offender, the judge may select from the
 1 following alternatives:
 2 (1) Place the juvenile offender on probation for a fixed period, subject
 3 to the terms and conditions the court deems appropriate, including a
 4 requirement of making restitution as required by subsection (d).
 5 (2) Place the juvenile offender in the custody of a parent or other
 6 suitable person, subject to the terms and conditions the court orders,
 7 including a requirement of making restitution as required by subsection
 8 (d).
 9 (3) Place the juvenile offender in the custody of a youth residential
 10 facility, subject to the terms and conditions the court orders.
 11 (4) Place the juvenile offender in the custody of the ~~secretary~~ *com-*
 12 *missioner*.
 13 (5) Impose any appropriate combination of subsections (a)(1) and (2),
 14 subsection (a)(3) or subsection (a)(4) and make other orders directed to
 15 the juvenile offender as the court deems appropriate.
 16 (6) Commit the juvenile offender, if 13 years of age or older, to a
 17 ~~state youth center~~ *juvenile correctional facility* if the juvenile offender:
 18 (A) Has had a ~~previous adjudication~~ *previously been adjudged* as a
 19 juvenile offender under this code or as a delinquent or miscreant under
 20 the Kansas juvenile code; or
 21 (B) has been adjudicated a juvenile offender as a result of having
 22 committed an act which, if done by a person 18 years of age or over,
 23 would constitute a class A, B or C felony as defined by the Kansas criminal
 24 code or, if done on or after July 1, 1993, would constitute an off-grid
 25 crime or a nondrug crime ranked in severity level 1 through 5 or a drug
 26 crime ranked in severity level 1 through 3.
 27 (7) Place the juvenile offender under a house arrest program admin-
 28 istered by the court pursuant to K.S.A. 21-4603b and amendments
 29 thereto.
 30 (b) (1) In addition to any other order authorized by this section, the
 31 court may order the: (A) Juvenile offender and the parents of the juvenile
 32 offender to:
 33 ~~(A)~~ (i) Attend counseling sessions as the court directs; or
 34 ~~(B)~~ (ii) participate in mediation as the court directs. Participants in
 35 such mediation may include, but shall not be limited to, the victim, the
 36 juvenile offender and the juvenile offender's parents. Mediation shall not
 37 be mandatory for the victim; or
 38 (B) *parents of the juvenile offender to participate in parenting classes.*
 39 (2) Upon entering an order requiring a juvenile offender's parent to
 40 attend counseling sessions or mediation, the court shall give the parent
 41 notice of the order. The notice shall inform the parent of the parent's
 42 right to request a hearing within 10 days after entry of the order and the
 43 parent's right to employ an attorney to represent the parent at the hearing

Parental Responsibility.

2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:
 c. A court shall be authorized to require parental participation in treatment programs or to attend parenting classes/programs in juvenile offender cases to the extent now authorized in children in need of care proceedings.

1 or, if the parent is financially unable to employ an attorney, the parent's
2 right to request the court to appoint an attorney to represent the parent.
3 If the parent does not request a hearing within 10 days after entry of the
4 order, the order shall take effect at that time. If the parent requests a
5 hearing, the court shall set the matter for hearing and, if requested, shall
6 appoint an attorney to represent the parent. The expense and fees of the
7 appointed attorney may be allowed and assessed as provided by K.S.A.
8 38-1606 and amendments thereto.

9 (3) The costs of any counseling or mediation may be assessed as ex-
10 penses in the case. No mental health center shall charge a fee for court-
11 ordered counseling greater than that the center would have charged the
12 person receiving the counseling if the person had requested counseling
13 on the person's own initiative. No mediator shall charge a fee for court-
14 ordered mediation greater than that the mediator would have charged
15 the person participating in the mediation if the person had requested
16 mediation on the person's own initiative.

17 (c) (1) If a respondent has been adjudged to be a juvenile offender,
18 the court, in addition to any other order authorized by this section, may
19 suspend the juvenile offender's driver's license or privilege to operate a
20 motor vehicle on the streets and highways of this state. The duration of
21 the suspension ordered by the court shall be for a definite time period to
22 be determined by the court. Upon suspension of a license pursuant to
23 this subsection, the court shall require the juvenile offender to surrender
24 the license to the court, which shall transmit the license to the division
25 of motor vehicles of the department of revenue, to be retained until the
26 period of suspension expires. At that time, the licensee may apply to the
27 division for return of the license. If the license has expired, the juvenile
28 offender may apply for a new license, which shall be issued promptly
29 upon payment of the proper fee and satisfaction of other conditions es-
30 tablished by law for obtaining a license unless another suspension or rev-
31 ocation of the juvenile offender's privilege to operate a motor vehicle is
32 in effect. As used in this subsection, "highway" and "street" have the
33 meanings provided by K.S.A. 8-1424 and 8-1473, and amendments
34 thereto. Any respondent who is adjudged to be a juvenile offender who
35 does not have a driver's license may have such juvenile offender's driving
36 privileges revoked. No Kansas driver's license shall be issued to a juvenile
37 offender whose driving privileges have been revoked pursuant to this
38 section for a definite time period to be determined by the court.

39 (2) In lieu of suspending the driver's license or privilege to operate
40 a motor vehicle on the highways of this state of any respondent adjudged
41 to be a juvenile offender, as provided in subsection (c)(1), the court in
42 which such juvenile offender was adjudged to be a juvenile offender may
43 enter an order which places conditions on such juvenile offender's priv-

1 ilege of operating a motor vehicle on the highways of this state, a certified
 2 copy of which such juvenile offender shall be required to carry any time
 3 such juvenile offender is operating a motor vehicle on the highways of
 4 this state. Any such order shall prescribe the duration of the conditions
 5 imposed and shall specify that such duration shall be for a definite time
 6 period to be determined by the court. Upon entering an order restricting
 7 a juvenile offender's license hereunder, the court shall require such ju-
 8 venile offender to surrender such juvenile offender's driver's license to
 9 the court who shall cause it to be transmitted to the division of vehicles,
 10 together with a copy of the order. Upon receipt thereof, the division of
 11 vehicles shall issue without charge a driver's license which shall indicate
 12 on its face that conditions have been imposed on such juvenile offender's
 13 privilege of operating a motor vehicle and that a certified copy of the
 14 order imposing such conditions is required to be carried by the juvenile
 15 offender for whom the license was issued any time such juvenile offender
 16 is operating a motor vehicle on the highways of this state. If the juvenile
 17 offender convicted is a nonresident, the court shall cause a copy of the
 18 order to be transmitted to the division and the division shall forward a
 19 copy of it to the motor vehicle administrator of such juvenile offender's
 20 state of residence. Such court shall furnish to any juvenile offender whose
 21 driver's license has had conditions imposed on it under this section a copy
 22 of the order, which shall be recognized as a valid Kansas driver's license
 23 until such time as the division shall issue the restricted license provided
 24 for in this subsection. Upon expiration of the period of time for which
 25 conditions are imposed pursuant to this subsection, the licensee may ap-
 26 ply to the division for the return of the license previously surrendered by
 27 such licensee. In the event such license has expired, such juvenile of-
 28 fender may apply to the division for a new license, which shall be issued
 29 immediately by the division upon payment of the proper fee and satis-
 30 faction of the other conditions established by law, unless such juvenile
 31 offender's privilege to operate a motor vehicle on the highways of this
 32 state has been suspended or revoked prior thereto. If any juvenile of-
 33 fender shall violate any of the conditions imposed under this subsection,
 34 such juvenile offender's driver's license or privilege to operate a motor
 35 vehicle on the highways of this state shall be revoked for a period as
 36 determined by the court in which such juvenile offender is convicted of
 37 violating such conditions.

38 (d) Whenever a juvenile offender is placed pursuant to subsection
 39 (a)(1) or (2), the court, unless it finds compelling circumstances which
 40 would render a plan of restitution unworkable, shall order the juvenile
 41 offender to make restitution to persons who sustained loss by reason of
 42 the offense. The restitution shall be made either by payment of an amount
 43 fixed by the court or by working for the persons in order to compensate
 1 for the loss. If the court finds compelling circumstances which would
 2 render a plan of restitution unworkable, the court may order the juvenile
 3 offender to perform charitable or social service for organizations perform-
 4 ing services for the community.

5 Nothing in this subsection shall be construed to limit a court's authority
 6 to order a juvenile offender to make restitution or perform charitable or

7 social service under circumstances other than those specified by this sub-
8 section or when placement is made pursuant to subsection (a)(3) or (4).

9 (e) In addition to or in lieu of any other order authorized by this
10 section, the court may order a juvenile offender to pay a fine not exceed-
11 ing \$250 for each offense. In determining whether to impose a fine and
12 the amount to be imposed, the court shall consider the following:

13 (1) Imposition of a fine is most appropriate in cases where the juve-
14 nile offender has derived pecuniary gain from the offense.

15 (2) The amount of the fine should be directly related to the serious-
16 ness of the juvenile offender's offense and the juvenile offender's ability
17 to pay.

18 (3) Payment of a fine may be required in a lump sum or installments.

19 (4) Imposition of a restitution order is preferable to imposition of a
20 fine.

21 (5) The juvenile offender's duty of payment should be limited in du-
22 ration and in no event should the time necessary for payment exceed the
23 maximum term which would be authorized if the offense had been com-
24 mitted by an adult.

25 (f) In addition to or in lieu of any other order authorized by this
26 section, if a juvenile is adjudged to be a juvenile offender by reason of a
27 violation of the uniform controlled substances act (K.S.A. 65-4101 *et seq.*
28 and amendments thereto) or K.S.A. 41-719, 41-727, 41-804, 41-2719, 41-
29 2720, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments thereto,
30 the court shall order the juvenile offender to submit to and complete an
31 alcohol and drug evaluation by a community-based alcohol and drug
32 safety action program certified pursuant to K.S.A. 8-1008 and amend-
33 ments thereto and to pay a fee not to exceed the fee established by that
34 statute for such evaluation, except that such evaluation may be waived by
35 the court if the court finds that the juvenile offender has successfully
36 completed an alcohol and drug evaluation, approved by the community-
37 based alcohol and drug safety action program, subsequent to the offen-
38 der's arrest on this offense. If the court finds that the juvenile offender
39 and those legally liable for the offender's support are indigent, the fee
40 may be waived. In no event shall the fee be assessed against the ~~secretary~~
41 ~~or the department of social and rehabilitation services commissioner or~~
42 ~~the juvenile justice authority.~~ *The court may require the parent or guard-*
43 *ian of the juvenile offender to attend such program with the juvenile of-*
1 *fender.*

2 (g) The board of county commissioners of a county may provide by
3 resolution that the parents or guardians of any juvenile offender placed
4 under a house arrest program pursuant to subsection (a)(7) shall be re-
5 quired to pay to the county the cost of such house arrest program. The
6 board of county commissioners shall further prepare a sliding financial
7 scale based on the ability of the parents to pay for such a program.

8 (h) In addition to any other order authorized by this section, if child
9 support has been requested and the parent or parents have a duty to
10 support the respondent the court may, and when custody is placed with
11 the ~~secretary commissioner~~ shall, order one or both parents to pay child

12 support. The court shall determine, for each parent separately, whether
13 the parent is already subject to an order to pay support for the respondent.
14 If the parent is not presently ordered to pay support for the respondent
15 and the court has personal jurisdiction over the parent, the court shall
16 order the parent to pay child support in an amount determined under
17 K.S.A. 38-16,117 and amendments thereto. Except for good cause shown,
18 the court shall issue an immediate income withholding order pursuant to
19 K.S.A. 23-4,105 *et seq.* and amendments thereto for each parent ordered
20 to pay support under this subsection, regardless of whether a payor has
21 been identified for the parent. A parent ordered to pay child support
22 under this subsection shall be notified, at the hearing or otherwise, that
23 the child support order may be registered pursuant to K.S.A. 38-16,119
24 and amendments thereto. The parent shall also be informed that, after
25 registration, the income withholding order may be served on the parent's
26 employer without further notice to the parent and the child support order
27 may be enforced by any method allowed by law. Failure to provide this
28 notice shall not affect the validity of the child support order.
29 (i) Any order issued by the judge pursuant to this section shall be in
30 effect immediately upon entry into the judge's minutes.

32 Sec. 81. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1668 is
 33 hereby amended to read as follows: 38-1668. (a) A parent, guardian or
 34 person with whom a juvenile resides may be ordered by the court to
 35 *report any probation violations*, aid in enforcing terms and conditions of
 36 probation or other orders of the court or ~~both any of the above~~. Any
 37 person placed under an order to *report any probation violations*, aid in
 38 enforcing terms and conditions of probation or other orders of the court
 39 or ~~both any of the above~~ who fails to do so may be proceeded against for
 40 indirect contempt of court as provided in K.S.A. 20-1204a *et seq.*, and
 41 amendments thereto.
 42 (b) This section shall be part of and supplemental to the Kansas ju-
 43 venile ~~offenders~~ *justice* code.

Parental Responsibility.

- 2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:
 - b. Amend K.S.A. 38-1668 to authorize courts to require that parents report probation violations.

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13 Sec. 84. On and after July 1, 1997, K.S.A. 1995 Supp. 38-1673 is
14 hereby amended to read as follows: 38-1673. (a) When a juvenile offender
15 has satisfactorily completed the program at the ~~state youth center~~ *juvenile*
16 *correctional facility* to which the juvenile offender was committed or
17 placed, the person in charge of the ~~state youth center~~ *juvenile correctional*
18 *facility* shall have authority to release the juvenile offender under appro-
19 priate conditions and for a specified period of time.

20 (b) At least 15 days prior to releasing a juvenile offender as provided
21 in subsection (a), the person in charge of the ~~state youth center~~ *juvenile*
22 *correctional facility* shall notify the committing court of the date and
23 conditions upon which it is proposed the juvenile offender is to be re-
24 leased.

25 (c) Upon receipt of the notice required by subsection (b), the court
26 shall review the proposed conditions of release and may recommend
27 modifications or additions to the conditions.

28 (d) If, during the conditional release, the juvenile offender is not re-
29 turning to the county from which committed, the person in charge of the
30 ~~state youth center~~ *juvenile correctional facility* shall also give notice to
31 the court of the county in which the juvenile offender is to be residing.

32 (e) To assure compliance with conditions of release from a ~~state youth~~
33 ~~center~~ *juvenile correctional facility*, the ~~secretary~~ *commissioner* shall have
34 the authority to prescribe the manner in which compliance with the con-
35 ditions shall be supervised. When requested by the ~~secretary~~ *commis-*
36 *tioner*, the appropriate court may assist in supervising compliance with
37 the conditions of release during the term of the conditional release. *The*
38 *commissioner may require the parents or guardians of the juvenile of-*
39 *fender to cooperate and participate with the conditions of release.*

40 (f) The ~~department of social and rehabilitation services~~ *juvenile jus-*
41 *tice authority* shall notify at least 45 days prior to the discharge of the
42 juvenile offender the county or district attorney of the county where the
43 offender was adjudicated a juvenile offender of the release of such ju-
1 venile offender, if such juvenile offender's offense would have constituted
2 a class A, B or C felony before July 1, 1993, or an off-grid felony, a
3 nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime
4 ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed
5 by an adult. The county or district attorney shall give written notice at
6 least 30 days prior to the release of the juvenile offender to: (1) Any victim
7 of the juvenile offender's crime who is alive and whose address is known
8 to the court or, if the victim is deceased, to the victim's family if the
9 family's address is known to the court; (2) the local law enforcement
10 agency; and (3) the school district in which the juvenile offender will be
11 residing if the juvenile is still required to attend a secondary school. Fail-
12 ure to notify pursuant to this section shall not be a reason to postpone a
13 release. Nothing in this section shall create a cause of action against the
14 state or county or an employee of the state or county acting within the
15 scope of the employee's employment as a result of the failure to notify
16 pursuant to this section.

Parental Responsibility.

2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:

- d. The commissioner shall be authorized to require parental cooperation and participation as a condition of release or as an element of post-release programming.

13 Sec. 121. On and after July 1, 1997, K.S.A. 72-1111 is hereby
 14 amended to read as follows: 72-1111. (a) Subject to the other provisions
 15 of this section, every parent or person acting as parent in the state of
 16 Kansas, who has control over or charge of any child who has reached the
 17 age of seven years and is under the age of ~~16~~ 18 years, shall require such
 18 child to attend continuously each school year (1) a public school for the
 19 duration of the school term provided for in K.S.A. 72-1106, and amend-
 20 ments thereto, or (2) a private, denominational or parochial school taught
 21 by a competent instructor for a period of time which is substantially equiv-
 22 alent to the period of time public school is maintained in the school
 23 district in which the private, denominational or parochial school is located.
 24 *If the child is 16 or 17 years of age, the parent or person acting as parent,*
 25 *by written consent, may allow the child to be exempt from the compulsory*
 26 *attendance requirements of this section.*

27 (b) Any child who is under the age of seven years, but who is enrolled
 28 in school, is subject to the compulsory attendance requirements of this
 29 section. Any such child may be withdrawn from enrollment in school at
 30 any time by a parent or person acting as parent of the child and thereupon
 31 the child shall be exempt from the compulsory attendance requirements
 32 of this section until the child reaches the age of seven years or is re-
 33 enrolled in school.

34 (c) Any child who is determined to be an exceptional child, except
 35 for an exceptional child who is determined to be a gifted child, under the
 36 provisions of the special education for exceptional children act is subject
 37 to the compulsory attendance requirements of such act and is exempt
 38 from the compulsory attendance requirements of this section.

39 (d) No child attending public school in this state shall be required to
 40 participate in any activity which is contrary to the religious teachings of
 41 the child if a written statement signed by one of the parents or a person
 42 acting as parent of the child is filed with the proper authorities of the
 43 school attended requesting that the child not be required to participate
 1 in such activities and stating the reason for the request.

2 (e) When a recognized church or religious denomination that objects
 3 to a regular public high school education provides, offers and teaches,
 4 either individually or in cooperation with another recognized church or
 5 religious denomination, a regularly supervised program of instruction,
 6 which is approved by the state board of education, for children of com-
 7 pulsory school attendance age who have successfully completed the
 8 eighth grade, participation in such a program of instruction by any such
 9 children whose parents or persons acting as parents are members of the
 10 sponsoring church or religious denomination shall be regarded as ac-
 11 ceptable school attendance within the meaning of this act. Approval of
 12 such programs shall be granted by the state board of education, for two-
 13 year periods, upon application from recognized churches and religious
 14 denominations, under the following conditions: (1) Each participating
 15 child shall be engaged, during each day on which attendance is legally
 16 required in the public schools in the school district in which the child
 17 resides, in at least five hours of learning activities appropriate to the adult
 18 occupation that the child is likely to assume in later years;

Parental Responsibility.

3. School Attendance. [Absent parental consent, a child shall be required to attend school until the age of 18.] The court may revoke driving privileges for anyone less than eighteen years of age who is not regularly enrolled in school, including those suspended or expelled.

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19 (2) acceptable learning activities, for the purposes of this subsection,
20 shall include parent (or person acting as parent) supervised projects in
21 agriculture and homemaking, work-study programs in cooperation with
22 local business and industry, and correspondence courses from schools
23 accredited by the national home study council, recognized by the United
24 States office of education as the competent accrediting agency for private
25 home study schools;

26 (3) at least 15 hours per week of classroom work under the supervi-
27 sion of an instructor shall be provided, at which time students shall be
28 required to file written reports of the learning activities they have pursued
29 since the time of the last class meeting, indicating the length of time spent
30 on each one, and the instructor shall examine and evaluate such reports,
31 approve plans for further learning activities, and provide necessary as-
32 signments and instruction;

33 (4) regular attendance reports shall be filed as required by law, and
34 students shall be reported as absent for each school day on which they
35 have not completed the prescribed minimum of five hours of learning
36 activities;

37 (5) the instructor shall keep complete records concerning instruction
38 provided, assignments made, and work pursued by the students, and these
39 records shall be filed on the first day of each month with the state board
40 of education and the board of education of the school district in which
41 the child resides;

42 (6) the instructor shall be capable of performing competently the
43 functions entrusted thereto;

1 (7) in applying for approval under this subsection a recognized church
2 or religious denomination shall certify its objection to a regular public
3 high school education and shall specify, in such detail as the state board
4 of education may reasonably require, the program of instruction that it
5 intends to provide and no such program shall be approved unless it fully
6 complies with standards therefor which shall be specified by the state
7 board of education;

8 (8) if the sponsors of an instructional program approved under this
9 subsection fail to comply at any time with the provisions of this subsection,
10 the state board of education shall rescind, after a written warning has
11 been served and a period of three weeks allowed for compliance, approval
12 of the programs, even though the two-year approval period has not
13 elapsed, and thereupon children attending such program shall be admit-
14 ted to a high school of the school district.

15 (f) As used in this section, the terms "parent" and "person acting as
16 parent" have the meanings respectively ascribed thereto in K.S.A. 72-
17 1046, and amendments thereto.

5 Sec. 127. On and after July 1, 1997, K.S.A. 1995 Supp. 74-9501 is
6 hereby amended to read as follows: 74-9501. (a) There is hereby estab-
7 lished the Kansas criminal justice coordinating council.

8 (b) The council shall consist of the governor or designee, the chief
9 justice of the supreme court or designee, the attorney general or designee,
10 the secretary of corrections, the ~~secretary of social and rehabilitation serv-~~
11 ~~ices commissioner of juvenile justice~~ and the director of the Kansas bureau
12 of investigation.

13 (c) The director and all existing employees of the Kansas sentencing
14 commission shall serve as staff to the Kansas criminal justice coordinating
15 council, while continuing to serve at the will of the Kansas sentencing
16 commission pursuant to K.S.A. 74-9103 and amendments thereto in the
17 performance of its duties as outlined in K.S.A. 74-9101, 74-9106 and 21-
18 4725 and amendments thereto. The director shall attend all meetings of
19 the council, be responsible for keeping a record of council meetings,
20 prepare reports of the council and perform such other duties as directed
21 by the council.

22 (d) The council shall elect a chairperson and vice-chairperson from
23 among the members of the council.

24 (e) The council shall:

25 (1) Define and analyze issues and processes in the criminal justice
26 system, identify alternative solutions and make recommendations for im-
27 provements;

28 (2) perform such criminal justice studies or tasks as requested by the
29 governor, the legislature or the chief justice, as deemed appropriate or
30 feasible by the council;

31 (3) oversee development and management of a criminal justice da-
32 tabase including assuming the designation and functions of the state sta-
33 tistical analysis center currently assigned to the Kansas bureau of inves-
34 tigation pursuant to K.S.A. 75-712a and amendments thereto. All criminal
35 justice agencies as defined in subsection (c) of K.S.A. 22-4701 and amend-
36 ments thereto and the department of social and rehabilitation services
37 shall provide any data or information, including juvenile offender infor-
38 mation which is requested by the council, in a form and manner estab-
39 lished by the council, in order to facilitate the development and manage-
40 ment of the criminal justice council database; and

41 (4) develop and oversee reporting of all criminal justice federal fund-
42 ing available to the state or local units of government including assuming
43 the designation and functions of administering the United States bureau
1 of justice assistance grants currently administered through the law en-
2 forcement antidrug abuse program of the department of administration.
3 On the effective date of this act any bureau of justice assistance antidrug
4 abuse federal fund balances in any account and all unclassified positions
5 authorized for the law enforcement antidrug abuse program of the de-
6 partment of administration shall be transferred to and budgeted with the
7 Kansas sentencing commission.

8 (f) The council shall appoint a standing local government advisory
9 group to consult and advise the council concerning local government
10 criminal justice issues and the impact of state criminal justice policy and

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Commissioner of Juvenile Justice:
Powers/Duties/Functions.

3. Access to Records. To ensure maximum access to records the juvenile justice authority shall be designated a criminal justice agency and an educational agency, and the commissioner shall be a member of the Criminal Justice Coordinating Council. The commissioner shall have access to all existing and historical Kansas juvenile justice records.

11 decisions on local units of government. The advisory group shall consist
12 of a sheriff, chief of police, county or district attorney, city governing body
13 and a county commissioner. Appointees to such advisory group shall serve
14 without compensation or reimbursement for travel and subsistence or any
15 other expenses.

16 (g) The council shall form a task force to study and develop policies
17 and recommendations regarding the juvenile justice system, including
18 issues of jurisdiction, placement, intake and assessment processes, dis-
19 positional alternatives, financing strategies, availability of mental health
20 services and work processes and case loads of social workers and court
21 services officers, the implications of a youth authority and any other issues
22 affecting children in need of care as defined in K.S.A. 38-1501 et seq.
23 and juvenile offenders as defined in K.S.A. 38-1601 et seq. and amend-
24 ments thereto. The task force shall consist of the following members:
25 Executive director of the corporation for change or designee, chair of the
26 advisory committee on juvenile offender programs or designee, commis-
27 sioner of youth services of the department of social and rehabilitation
28 services or designee; additional members to be selected by the council
29 shall include a director of a community corrections program, a juvenile
30 judge, a prosecuting attorney, an attorney who represents juveniles, a
31 deputy secretary of corrections, a court services officer, and a sheriff or
32 chief of police. The corporation for change and the division of youth
33 services of the state department of social and rehabilitation services shall
34 each assign one full-time equivalent staff member to the council or, in
35 the case of the corporation for change, the equivalent of such by more
36 than one staff member or other, for a period of one year, which staff shall
37 be approved by the council and perform duties as assigned by and func-
38 tion under the direction of the executive director of the staff of the coun-
39 cil, while continuing to be compensated by the agency by which em-
40 ployed. The task force shall submit a preliminary report to the council,
41 and the council shall report to the chairperson of the senate and house
42 committee on judiciary during the interim session of the 1995 legislature.
43 A final report shall be submitted to the legislature on or before February
1 1, 1995. The task force shall cease to exist on June 30, 1995.

2 (h) The council shall form a task force to study the consolidation of
3 probation, parole and community corrections services.

4 (i) When analyzing criminal justice issues and performing criminal
5 justice studies, the council shall form such task groups as necessary and
6 shall appoint individuals who appropriately represent law enforcement,
7 the judiciary, legal profession, state, local, or federal government, the
8 public, or other professions or groups as determined by the council, to
9 represent the various aspects of the issue being analyzed or studied.
10 Members of the legislature may be appointed ex officio members to such
11 task groups. A member of the council shall serve as the chairperson of
12 each task group appointed by the council. The council may appoint other
13 members of the council to any task group formed by the council.

14 (j) The council shall review reports submitted by each task group
15 named by the council and shall submit the report with the council's rec-

16 ommendations pertaining thereto to the governor, chief justice of the
17 supreme court, the chief clerk of the house of representatives and the
18 secretary of the senate.

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16 Sec. 132. On and after July 1, 1996, K.S.A. 1995 Supp. 75-7001 is
 17 hereby amended to read as follows: 75-7001. On ~~July~~ *January* 1, 1997,
 18 the governor shall appoint a commissioner of juvenile justice. ~~The~~ *The*
 19 *commissioner may appoint staff assistants and employees as are necessary*
 20 *to enable the commissioner to carry out the transfer of powers, duties and*
 21 *functions of the department of social and rehabilitation services and the*
 22 *secretary of social and rehabilitation services concerning juvenile offend-*
 23 *ers to the juvenile justice authority and the commissioner of juvenile jus-*
 24 *tice. On and after July 1, 1997, the commissioner of juvenile justice shall*
 25 *be responsible for the care, custody and control of juvenile offenders and*
 26 *shall be in charge of the juvenile justice authority. The juvenile justice*
 27 *authority shall:*

28 (a) Control and manage the operation of the state ~~youth centers ju-~~
 29 ~~venile correctional facilities;~~

30 (b) evaluate the rehabilitation of juveniles committed to the authority
 31 and prepare and submit periodic reports to the committing court for the
 32 purposes of:

- 33 (1) Evaluating the effectiveness of institutional treatment;
- 34 (2) making recommendations for release where appropriate, and rec-
 35 ommending terms and conditions for release; and
- 36 (3) reviewing the placement of children and recommending alter-
 37 native placements such as supervised release into the community, out-of-
 38 home placement, or community services work where appropriate with
 39 the approval of the court.

40 (c) consult with the schools and courts of this state on the develop-
 41 ment of programs for the reduction and prevention of delinquency and
 42 the treatment of juvenile offenders;

43 (d) cooperate with other agencies whose services deal with the care
 1 and treatment of juvenile offenders to the end that juvenile offenders
 2 may wherever possible be assisted to a successful adjustment outside of
 3 institutional care;

4 (e) advise local, state and federal officials, public and private agencies,
 5 and lay groups on the needs for and possible methods of the reduction
 6 and prevention of delinquency, and the treatment of juvenile offenders;

7 (f) assemble and distribute information relating to delinquency and
 8 report on studies relating to community conditions which affect the prob-
 9 lem of delinquency;

10 (g) assist any community within the state by conducting a compre-
 11 hensive survey of the community's available public and private resources,
 12 and recommend methods of establishing a community program for com-
 13 bating juvenile delinquency and crime, but no such survey shall be con-
 14 ducted unless local individuals and groups request it through their local
 15 authorities, and no such request shall be interpreted as binding the com-
 16 munity to following the recommendations made as a result of the request;
 17 and

18 (h) be responsible for directing state moneys to providers in local
 19 communities of alternative placements such as supervised release into the
 20 community, out-of-home placement, community services work or other
 21 community-based service; provide assistance to such providers; and eval-
 22 uate and monitor the performance of such providers relating to the pro-
 23

Commissioner of Juvenile Justice:
Powers/Duties/Functions.

1. The Commissioner shall administer the juvenile justice system utilizing several core functions including:

- e. Personnel Services. Through this function the Commissioner would provide appropriate training opportunities and administer the employees that answer to the Commissioner.

5. Date of Appointment. Although current law calls for the appointment of a commissioner July 1, 1997, the Youth Authority recommends the hiring of a commissioner at least by January 1, 1997, with appropriate staff, to facilitate the creation of the juvenile justice authority and the transition of responsibilities to the commissioner. July 1, 1997 would remain the date upon which transfer of authority would become effective.

2-46

43 Sec. 134. On and after July 1, 1996, K.S.A. 1995 Supp. 75-7008 is
1 hereby amended to read as follows: 75-7008. (a) There is hereby estab-
2 lished the Kansas youth authority. The authority shall develop confine-
3 ment and alternate disposition policies for juvenile offenders. The au-
4 thority shall specifically look at confinement as well as diversion, fines,
5 restitution, community service, standard probation, intensive supervision,
6 house arrest programs, electronic monitoring, structured school, day re-
7 porting centers, community residential care, treatment centers and sanc-
8 tions house.

9 (b) The Kansas youth authority shall develop and submit its interim
10 report and statutory proposals to the legislature on or before November
11 1, 1995. A ~~final report and recommendation~~ *transitional plan* shall be
12 submitted on the commencement of the 1997 legislative session. *Such*
13 *transitional plan shall include a plan for the transfer of the powers, duties*
14 *and functions of the department of social and rehabilitation services and*
15 *other state agencies concerning juvenile offenders to the juvenile justice*
16 *authority and the commissioner of juvenile justice; a plan for a juvenile*
17 *offender placement matrix to promote uniformity throughout the system;*
18 *and a plan to facilitate the transfer from a state-based juvenile justice*
19 *system to a community-based juvenile justice system. The plan for tran-*
20 *sition to a more community-based juvenile justice system shall specifically*
21 *address the governance, financial needs, compliance requirements and*
22 *accountability of the system. The Kansas youth authority may contract*
23 *with a consultant to provide assistance with such transitional plans.*

24 (c) On July 1, 1997, the Kansas youth authority shall become an ad-
25 visory authority to the commissioner of juvenile justice.

26 (d) The Kansas youth authority shall review programs and services
27 provided by community corrections programs pursuant to the community
28 corrections act. The Kansas youth authority shall review the local juvenile
29 intake and assessment programs. The Kansas youth authority may study
30 issues concerning children in need of care.

31 (e) *The Kansas youth authority shall coordinate all state efforts to*
32 *prevent alcohol and drug abuse by juveniles.*

33 (f) *The Kansas youth authority shall develop a comprehensive strat-*
34 *egy for prevention and early intervention, including, but not limited to, a*
35 *program to assist each community in performing a comprehensive risk*
36 *assessment.*

37 (g) *Annually, the Kansas youth authority shall recognize:*

38 (1) *No more than six individuals or organizations that have made*
39 *significant and positive contributions to Kansas youth; and*

40 (2) *one male and one female Kansas youth for significant and positive*
41 *contributions to the eradication of youth risk factors in such youth's com-*
42 *munity*

43 (h) *The Kansas youth authority may appoint an advisory youth coun-*
1 *cil. Such council shall advise the authority on policy recommendations*
2 *and programs. Members of the youth council shall meet and have such*
3 *duties as determined by the Kansas youth authority.*

4 (i) *There is hereby created the Kansas endowment for youth fund in*
5 *the state treasury. All moneys credited to the Kansas endowment for youth*
6 *fund shall be used to fund prevention programs for youths. The Kansas*

Prevention

1. Kansas Endowment for Youth (KEY): Prevention is the KEY. An endowment shall be created from which funds generated will be available for preventions programs. Private and Public dollars shall be utilized to fund the endowment with incentives granted by the state to encourage private contributions. The Authority requests funding to develop a specific program proposal. The Authority requests authorization to contract with an appropriate consultant to determine the elements of a successful endowment program.

2. Official Recognition. The Youth Authority shall annually recognize up to six organizations or individuals that have made significant and positive contributions to Kansas youth. Additionally, the Youth Authority shall recognize one male and one female young Kansan for significant contributions to the eradication of youth risk factors in their communities. The awards would include an honorarium.

3. Drug and Alcohol Prevention. The Youth Authority shall coordinate all state efforts to prevent alcohol and drug abuse by juveniles.

4. Comprehensive Strategy. The Youth Authority shall develop a comprehensive strategy for prevention and early intervention including a program to assist each community in performing a comprehensive risk assessment.

5. Youth Council. The Youth Authority shall appoint a youth advisory council with which to confer on policy recommendations and programs.

Placement.

1. Placement Options. Reforms shall be implemented to create a full continuum of placement options from immediate intervention programs to maximum security incarceration. In building this system the state and local communities (by judicial district) shall share responsibilities. The following shall guide our development of a statewide system.

a. A placement matrix shall be developed to promote uniformity in placement and efficient use of resources. Thresholds will be established to govern access to state provided placements (youth centers, maximum security). These thresholds will be defined by a juvenile's offense, offense history and risk factors. The state would establish minimum and maximum placement lengths.

7 youth authority shall accept grants and donations, both public and pri-
8 vate, to be credited to the fund. All expenditures from the Kansas endow-
9 ment for youth fund shall be made in accordance with appropriation acts
10 upon warrants of the director of accounts and reports issued pursuant to
11 vouchers approved by the chairperson of the Kansas youth authority or
12 by a person or persons designated by such chairperson. The Kansas youth
13 authority may contract with a consultant to determine the elements of a
14 successful endowment program. On the 10th of each month, the director
15 of accounts and reports shall transfer from the state general fund to the
16 Kansas endowment for youth fund, the amount of money certified by the
17 pooled money investment board in accordance with this subsection. Prior
18 to the 10th of each month, the pooled money investment board shall certify
19 to the director of accounts and reports the amount of money equal to the
20 proportionate amount of all the interest credited to the state general fund
21 for the preceding period of time specified under this subsection, pursuant
22 to K.S.A. 75-4210a, and amendments thereto, that is attributable to money
23 in the Kansas endowment for youth fund. Such amount of money shall be
24 determined by the pooled money investment board based on:

25 (1) The average daily balance of moneys in the Kansas endowment
26 for youth fund during the period of time specified under this subsection
27 as certified to the board by the director of accounts and reports; and

28 (2) the average interest rate on repurchase agreements of less than 30
29 days' duration entered into by the pooled money investment board for
30 that period of time. On or before the fifth day of the month for the pre-
31 ceding month, the director of accounts and reports shall certify to the
32 pooled money investment board the average daily balance of moneys in
33 the Kansas endowment for youth fund for the period of time specified
34 under this subsection.

35 Sec. 135. On and after July 1, 1996, K.S.A. 1995 Supp. 75-7009 is
36 hereby amended to read as follows: 75-7009. (a) The Kansas youth au-
37 thority shall consist of seven members. The governor shall appoint one
38 member from each congressional district and three members from the
39 state at large. The governor shall appoint a chairperson. ~~The members of~~
40 ~~the authority shall be appointed by June 1, 1995.~~

41 (b) The authority shall meet upon call of its chairperson as is neces-
42 sary to carry out its duties under this act.

43 (c) *Of the members of the board appointed in the year 1999, three*
1 *members shall have terms ending on the second Monday in January 2001*
2 *and four members shall have terms ending on the second Monday in*
3 *January 2003. Each member appointed in 1995 and subsequent to 1999*
4 *shall be appointed for a four-year term and shall continue in office until*
5 *a successor is appointed and qualified. Members shall be eligible for reap-*
6 *pointment.*

7 (d) Each member of the authority shall receive compensation, sub-
8 sistence allowances, mileage and other expenses as provided for in K.S.A.
9 75-3223, and amendments thereto.

10 (e) *The attorney general or the attorney general's designee and the*
11 *chief justice of the supreme court or the chief justice's designee shall serve*
12 *as ex officio members of the authority. The governor may appoint other*
13 *members to serve as ex officio members. Such ex officio members ap-*
14 *pointed by the governor shall serve at the pleasure of the governor. All ex*
15 *officio members of the commission shall be nonvoting members.*

Commissioner of Juvenile Justice:
Powers/Duties/Functions.

6. Kansas Youth Authority Subsequent to 1997. The Kansas Youth Authority members shall serve staggered terms of four years. The authority shall control its own agenda and shall meet at the call of its chair. The seven statutory members may be augmented by ex-officio appointments to serve at the pleasure of the Governor. The Attorney General and the Chief Justice of the Supreme Court or their designees shall be permanent ex-officio members.

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7 Sec. 138. On and after July 1, 1996, K.S.A. 1995 Supp. 76-12a21 is
 8 hereby amended to read as follows: 76-12a21. (a) All jurisdiction, powers,
 9 functions and duties relating to institutions as defined in K.S.A. 76-12a18
 10 and amendments thereto are conferred and imposed upon the secretary
 11 to be administered within youth services under the supervision of the
 12 commissioner of youth services as provided by this act.
 13 (b) The secretary may adopt rules and regulations for the govern-
 14 ment, regulation and operation of institutions as defined in K.S.A. 76-
 15 12a18 and amendments thereto. The secretary may adopt rules and reg-
 16 ulations relating to all persons admitted to institutions as defined in K.S.A.
 17 76-12a18 and amendments thereto.
 18 (c) The secretary may enter into an educational services contract with
 19 a unified school district, another public educational services provider or
 20 a private educational services provider for an institution as defined in
 21 K.S.A. 76-12a18 and amendments thereto pursuant to competitive bids
 22 or by negotiation as determined by the secretary. Each such educational
 23 services contract is exempt from the competitive bid requirements of
 24 K.S.A. 75-3739 and amendments thereto.
 25 (d) *The secretary shall not issue a pass, furlough or leave to any ju-*
 26 *venile placed in an institution except as needed for such juvenile to obtain*
 27 *medical services or to reintegrate such juvenile into the community. If any*
 28 *juvenile is issued a pass, furlough or leave, such juvenile shall be accom-*
 29 *panted by a staff member or other designated adult.*
 30 (e) *All institutions shall have secure perimeter fencing.*
 31 (f) *The secretary, by rules and regulations, shall establish a rigid*
 32 *grooming code and shall issue uniforms to juvenile offenders in the secre-*
 33 *tary's custody.*

Placement.

Youth Centers.

Our state youth centers shall be administered with the following reforms recommended:

1. Immediate Reforms.
 - a. Immediate reforms will be enacted to upgrade security at existing facilities including secure perimeter fencing.
 - b. A rigid grooming code, with appropriate regard for religious beliefs, shall be enforced and offenders shall be issued appropriate uniforms to be worn while in custody.
 - c. No passes, furloughs or leaves shall be granted except to accommodate reintegration into the community and as necessary to obtain medical services. Any such activity outside the facility shall be directly supervised by an appropriate adult.

64-2

13 Sec. 144. On and after July 1, 1997, K.S.A. 76-2112 is hereby
 14 amended to read as follows: 76-2112. The superintendent of the youth
 15 center at Topeka and the superintendent of the youth center at Atchison
 16 shall have full power to place any boy at the youth center of such super-
 17 intendent at such employment and cause him to be instructed in such
 18 branches of useful knowledge as may be suitable to his years and capacity.
 19 The commissioner of juvenile justice is hereby authorized to issue work
 20 assignments to any juvenile in the commissioner's custody and placed in
 21 a juvenile correctional facility.

Placement.

Youth Centers.

Our state youth centers shall be administered with the following reforms recommended:

1. Immediate Reforms.

- d. Each youth, to the extent allowed by law, shall be assigned a work assignment as a condition of placement. State laws which prohibit such assignments shall be repealed.

05-2

KANSAS YOUTH AUTHORITY

SUMMARY OF RECOMMENDATIONS: "THE JUVENILE JUSTICE REFORM ACT OF 1996"



MEMBERS

DAVID ADKINS, CHAIRMAN
JUDGE JAMES BURGESS
LORRAINE GAVIN-NWAKPUDA
KAREN GRIFFITHS
KENNETH HALES
LIGIA PAQUETTE
DAVID WHITE

EX-OFFICIO

BRENT ANDERSON, OFFICE OF
THE GOVERNOR
SEC. ROCHELLE CHRONISTER
SEC. JIM O'CONNELL
SEC. CHARLES SIMMONS
CARLA STOVALL, ATTORNEY GENERAL
JERRY WELLS, GENERAL COUNSEL,
KOCH CRIME COMMISSION

House Judiciary
3-15-96
Attachment 3

Mission Statement

Our mission is to serve the citizens of Kansas by designing a system of juvenile justice which promotes public safety, holds juvenile offenders accountable for their behavior, and improves the ability of juveniles to live more productively and responsibly in the community.

I. This mission shall be pursued through the development of juvenile justice policies which reflect principles that:

- ☆ establish public safety as the primary goal of the system;
- ☆ recognize that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions, the involvement of the community and the implementation of effective prevention and early intervention programs;
- ☆ are community-based to the greatest extent appropriate;
- ☆ are family centered;
- ☆ facilitate efficient and effective cooperation, coordination and collaboration among agencies of state government and among all levels of government;
- ☆ are outcome based, allowing for effective and accurate assessment of program performance;
- ☆ are cost-effectively implemented and administered and utilize resources wisely;
- ☆ encourage the recruitment and retention of well-qualified, highly-trained professionals to staff all components of the system;
- ☆ appropriately reflect community norms and public priorities;
- ☆ encourage public/private partnerships to address community risk factors.

II. This mission shall also be implemented through the development of a juvenile justice system composed of components which:

- ☆ establish a full range of placement options from diversion through maximum security confinement and a full continuum of post-release, aftercare services;
- ☆ impose appropriate sanctions and consequences fairly, swiftly and uniformly;
- ☆ deal effectively with chronic, serious and violent juvenile offenders;
- ☆ provide for individualized supervision, care, accountability and treatment of youthful offenders;
- ☆ empower parents and encourage parental involvement and responsibility;
- ☆ require the collection and dissemination within the juvenile justice system of relevant and accurate information on youthful offenders and mandate the sharing of information among appropriate entities;
- ☆ allow communities to develop, implement and operate programs appropriate to local needs;
- ☆ provide for ongoing innovation, research and evaluation to improve and support all components of the system;
- ☆ allow for the utilization of private and non-profit service providers when appropriate, and encourage the use of intergovernmental agreements by the commissioner of juvenile justice.

Prevention

1. Kansas Endowment for Youth (KEY): Prevention is the KEY. An endowment shall be created from which funds generated will be available for preventions programs. Private and Public dollars shall be utilized to fund the endowment with incentives granted by the state to encourage private contributions. The Authority requests funding to develop a specific program proposal. The Authority requests authorization to contract with an appropriate consultant to determine the elements of a successful endowment program.

2. Official Recognition. The Youth Authority shall annually recognize up to six organizations or individuals that have made significant and positive contributions to Kansas youth. Additionally, the Youth Authority shall recognize one male and one female young Kansan for significant contributions to the eradication of youth risk factors in their communities. The awards would include an honorarium.

3. Drug and Alcohol Prevention. The Youth Authority shall coordinate all state efforts to prevent alcohol and drug abuse by juveniles.

4. Comprehensive Strategy. The Youth Authority shall develop a comprehensive strategy for prevention and early intervention including a program to assist each community in performing a comprehensive risk assessment.

5. Youth Council. The Youth Authority shall appoint a youth advisory council with which to confer on policy recommendations and programs.

Commissioner of Juvenile Justice: Powers/Duties/Functions.

1. The Commissioner shall administer the juvenile justice system utilizing several core functions including:

- a. Operations: Through this function the commissioner shall oversee intake and assessment, provide technical assistance and facilitate community collaboration, license youth correctional facilities, programs and providers, assist in coordinating a statewide system of community based service providers and operate youth correctional facilities.
- b. Research: Through this function the commissioner shall generate, analyze and utilize data to develop new program initiatives, restructure existing programs and assist communities in risk assessment and effective resource utilization. Particular focus would be given to the identification or development of effective preventions programs.
- c. Contract: Through this function the Commissioner would secure the services of direct providers. It is not anticipated that the Commissioner will oversee a large staff of correctional officers or social workers. Rather, the Commissioner shall, when appropriate, contract with non-profit, private or public agencies to perform functions or provide services necessary to operate the state's portion of the juvenile justice system. The contract function could also be utilized in the administration of state programs funded by grants to local communities.
- d. Performance Audit. Through this function the Commissioner would audit contracts to determine that service providers were performing as required. This function would grant the Commissioner regulatory authority to administer programs to be performed pursuant to contracts.
- e. Personnel Services. Through this function the Commissioner would provide appropriate training opportunities and administer the employees that answer to the Commissioner.

2. Other Duties. In addition to the above-noted functions, the Commissioner shall:

- a. Administer all state and federal funds appropriated within the executive branch for juvenile justice.
- b. Administer the development and implementation of appropriate information systems.
- c. Administer the transition to and implementation of system reforms.

- d. Have authority to enter into contracts with other public agencies or private entities.
 - e. Shall coordinate functions with the Judicial branch and serve as a resource to legislators and other policy makers.
3. Access to Records. To ensure maximum access to records the juvenile justice authority shall be designated a criminal justice agency and an educational agency, and the commissioner shall be a member of the Criminal Justice Coordinating Council. The commissioner shall have access to all existing and historical Kansas juvenile justice records.
4. Accept Custody of Juveniles. The Commissioner shall be authorized to accept custody of juveniles so assigned by a court.
5. Date of Appointment. Although current law calls for the appointment of a commissioner July 1, 1997, the Youth Authority recommends the hiring of a commissioner at least by January 1, 1997, with appropriate staff, to facilitate the creation of the juvenile justice authority and the transition of responsibilities to the commissioner. July 1, 1997 would remain the date upon which transfer of authority would become effective.
6. Kansas Youth Authority Subsequent to 1997. The Kansas Youth Authority members shall serve staggered terms of four years. The authority shall control its own agenda and shall meet at the call of its chair. The seven statutory members may be augmented by ex-officio appointments to serve at the pleasure of the Governor. The Attorney General and the Chief Justice of the Supreme Court or their designees shall be permanent ex-officio members.

System Nomenclature.

The terms used in the juvenile justice system shall be changed to avoid confusion and to clarify procedure. For example, the following terms shall be used:

“trial” not “adjudication”
“guilty” or “not guilty” not “admit” or “deny”
“sentence” not “disposition”
“juvenile correctional facility” not “youth center”
“immediate intervention” not “diversion”
“juvenile justice code” not “juvenile offender code”.

However, some distinctions will remain. For example,

“juvenile proceedings” not “criminal proceedings”
“offense” not “crime”

Intake and Assessment.

1. Commissioner to Oversee Intake and Assessment.

Intake and Assessment functions shall be conducted by the Commissioner of Juvenile Justice.

2. Intake and Assessment Model: State Mandates/Local Options.

The Commissioner shall contract with local service providers, when available, to provide 24-hour a day intake and assessment services. Local providers will be required by the state to provide a basic package of intake and assessment services but may provide additional services as determined by local authorities. Local innovation will be encouraged through the funding of pilot programs and through the utilization of facilitators from the Commissioner's office. Programs operating collaboratively, encouraging local interagency cooperation directly in the intake and assessment process are to be pursued. In such communities where need justifies such a model, representatives of law enforcement, education, mental health agencies, substance abuse programs and other key agency representatives will jointly staff the intake and assessment center.

3. Immediate Intervention Options.

The state shall allow each judicial district, at its option, to develop and implement immediate intervention programs. Pursuant to agreement between the District Attorney and Court and Intake and Assessment Center local programs may be developed to allow:

- a. Direct referral of cases by the prosecutor and/or intake and assessment worker to youth courts.
- b. Allow intake and assessment workers to issue a summons to appear, requiring a court appearance at a date certain.
- c. Develop restorative justice centers and allow direct referrals by intake and assessment workers and/or prosecutors.
- d. Allow direct referral of cases by the prosecutor or intake and assessment worker to citizen review boards or hearing officers for determination.
- e. Intake and assessment centers to directly purchase services for youth and their families.

Immediate Intervention Programs shall be utilized pursuant to specific authorization by the court and prosecutor. State law shall prohibit the use of any such programs for persons who commit felonies or crimes committed while in possession of a deadly weapon.

4. Statutory Clarification.

The juvenile offender code shall be revised to more clearly define the role of intake and assessment. Intake and assessment workers shall be granted specific authority to set conditions for release, be listed as mandatory reports of alleged child abuse, be authorized to take custody of a juvenile from law enforcement and be granted authority to assist juveniles in accessing services.

Information System Reform.

1. Computerized Records System.

The KBI shall develop and maintain an information system which is computerized, accurate, current and integrated to provide all agencies and individuals involved in the juvenile justice system with easy and appropriate access to records.

2. Shared Information.

All barriers to information sharing shall be removed and individuals and agencies involved with juveniles shall share information. Schools, law enforcement agencies, non-profit/private service providers, state agencies and others shall share and have access to appropriate information regarding a juvenile.

3. Open Records.

The official court file of a juvenile shall be open to the public unless access is restricted by the court upon a finding that opening the file to the public is contrary to the best interests of the child. Absent such a finding, public access to file information shall be permitted subsequent to charges being filed with the court.

4. Open Proceedings.

All juvenile court proceedings shall be open to the public to the extent allowed in adult criminal proceedings, unless closed by the court upon a finding that open proceedings would be contrary to the best interests of the child.

5. Operational Deadline.

By July 1, 1997, the juvenile justice computerized information system shall be operational and functioning in conjunction with the adult criminal justice information system as implemented by the Criminal Justice Coordinating Council. This deadline may be extended by official action of the Criminal Justice Coordinating Council.

6. Current Information.

Incentives shall be developed to encourage the timely entry of records into the juvenile justice information system database.

7. Scope of Information Database.

Information available to system users shall include information collected at intake and assessment centers. Such information shall include:

- a. Information collected by utilizing a standardized risk assessment tool (for

- example, the POSIT, a Problem Oriented Screening Instrument for Teens).
- b. Criminal (Delinquency) history; including indications of criminal gang involvement.
 - c. Abuse history.
 - d. Substance abuse history.
 - e. History of prior services/treatments provided.
 - f. Educational history.
 - g. Medical history.
 - h. Family history.

Additional information may be collected/utilized at local option. The commissioner shall monitor the collection and utilization of information to ensure that information is current and accurate. Further, the commissioner shall determine if all information listed above is being utilized and, if not, determine if modification of the list is appropriate to achieve efficiencies.

Parental Responsibility.

1. Financial Accountability: To enhance financial recovery for the costs of services provided, the following shall be enacted:

- a. Private insurance companies may not exclude coverage for treatment when a juvenile is in custody.
- b. A judge may order reimbursement by parents to pay for services provided to a juvenile in an amount determined by the court but not to exceed the actual cost of such services. Parents would be allowed to request a hearing to challenge such an order.
- c. Any financial obligation imposed on a parent shall be enforced as a civil judgment or pursuant to the court's contempt powers. Failure to satisfy any such obligation may result in revocation of professional licenses or driving privileges, or state set off against tax refunds.
- d. The court may allow any financial obligation imposed on a parent to be fulfilled through the performance of community service should the parent be financially unable to pay.

2. Positive Parental Participation. To encourage parental assistance in the enforcement of court orders, terms of probation and treatment plans, the following shall be enacted:

- a. Expand the scope of K.S.A. 21-3612 to include adult conduct which assists or participates in the violation of the terms of a juvenile's probation within the crime of contributing to a child's misconduct or deprivation.
- b. Amend K.S.A. 38-1668 to authorize courts to require that parents report probation violations.
- c. A court shall be authorized to require parental participation in treatment programs or to attend parenting classes/programs in juvenile offender cases to the extent now authorized in children in need of care proceedings.
- d. The commissioner shall be authorized to require parental cooperation and participation as a condition of release or as an element of post-release programming.
- e. A parent may be made a party to any contract for immediate intervention.

3. School Attendance. Absent parental consent, a child shall be required to attend school until the age of 18. The court may revoke driving privileges for anyone less than eighteen years of age who is not regularly enrolled in school, including those suspended or expelled.

Placement.

1. Placement Options. Reforms shall be implemented to create a full continuum of placement options from immediate intervention programs to maximum security incarceration. In building this system the state and local communities (by judicial district) shall share responsibilities. The following shall guide our development of a statewide system.

- a. A placement matrix shall be developed to promote uniformity in placement and efficient use of resources. Thresholds will be established to govern access to state provided placements (youth centers, maximum security). These thresholds will be defined by a juvenile's offense, offense history and risk factors. The state would establish minimum and maximum placement lengths.
- b. The jurisdiction for juvenile court placements shall be expanded from age 21 to age 23.
- c. The Commissioner shall assist local communities in developing community based placement options and programs. By blending a community matrix with a state matrix a full range of placement options, tailored to the needs of each community, will be available.

2. Dual Sentencing. Juvenile courts shall be allowed to impose both a juvenile sentence and an adult criminal sentence on an offender regardless of age at time of offense. Based on a Minnesota law, if a juvenile successfully completes a rehabilitative program pursuant to the juvenile sentence the court may release the offender. However, if the offender is not amenable to rehabilitation in the juvenile system, the adult sentence can be imposed. The commissioner would have authority to move the court for an order of release or seek transfer to the Secretary of Corrections. All juveniles dually sentenced would be subject to an automatic court hearing at age 18. If retained in the juvenile system at age 18, the court would be required to establish a date to review the case again at least within 36 months. Juvenile Court jurisdiction would extend to age 23.

3. Waiver to the Adult Criminal System.

No "automatic" waivers of juveniles to the adult criminal system shall occur. The waiver of juveniles to the adult criminal justice system shall occur pursuant to the following:

- a. A juvenile, subject to the offender code, may be waived to adult status, regardless of age or offense, upon the court granting a motion brought by the state. The offender shall be presumed a juvenile unless good cause is shown to justify prosecution as an adult. Juvenile court jurisdiction for actions arising under the juvenile offender code commences at age 10.
- b. Upon a motion by the prosecutor, a juvenile, age 14, 15, 16 or 17 accused of an offense for which incarceration would be presumed pursuant to adult sentencing guidelines if the juvenile were convicted as an adult shall be presumed to be an

adult and shall be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.

- c. Upon a motion by the prosecutor, a juvenile age 14, 15, 16 or 17 accused of an offense committed while in possession of a firearm shall be presumed to be an adult and shall be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- d. Upon a motion by the prosecutor, a juvenile, regardless of age, accused of the equivalent of a felony that has previously been found to have committed a felony shall be presumed an adult and may be tried as such unless the presumption is rebutted. The juvenile is not automatically waived to adult status, but the burden of proof shifts to the juvenile to prove why he should not be tried as an adult.
- e. As an alternative to waiver to adult status the prosecutor may seek dual sentencing of a juvenile accused of an offense, regardless of age. The juvenile shall be presumed to be subject to dual sentencing under the same circumstances that a presumption of adult status would arise if the prosecutor sought to waive the juvenile to adult status.
- f. The prosecutor retains the discretion in all cases to seek juvenile adjudication, seek dual adjudication or seek waiver to adult status. The court must determine the juvenile's status in all cases.

Youth Centers.

Our state youth centers shall be administered with the following reforms recommended:

1. Immediate Reforms.
 - a. Immediate reforms will be enacted to upgrade security at existing facilities including secure perimeter fencing.
 - b. A rigid grooming code, with appropriate regard for religious beliefs, shall be enforced and offenders shall be issued appropriate uniforms to be worn while in custody.
 - c. No passes, furloughs or leaves shall be granted except to accommodate reintegration into the community and as necessary to obtain medical services. Any such activity outside the facility shall be directly supervised by an appropriate adult.
 - d. Each youth, to the extent allowed by law, shall be assigned a work assignment as a condition of placement. State laws which prohibit such assignments shall be repealed.

2. Intermediate/Long-Term Reforms.

- a. The mission of the youth centers shall be restructured to allow greater specialization. Instead of assigning juveniles based on age and sex a more appropriate classification model would be developed for each institution. A military corps model might be utilized in one facility and a substance abuse focus might characterize another.
- b. Assignment to a specific state custody facility would be made based on information collected at intake and assessment and at a juvenile reception and diagnostic center and information contained in the court's presentence report.
- c. A reception and diagnostic function shall be created and utilized to effectively administer placements at all state youth correctional facilities.
- d. Community corrections services for juveniles and aftercare transition services for juvenile offenders released from a state juvenile correctional facility shall be available in each judicial district.

3. Maximum Security Facility. To augment our state's juvenile placement options, a maximum security youth correctional program shall be developed pursuant to the following:

- a. Federal funds to assist with construction costs shall be sought and cost-efficient conversion of existing state facilities shall be considered.
- b. The program would be designed to house chronic, serious and violent juvenile offenders.
- c. A capacity of 150 beds is required to meet existing needs.
- d. The Department of Corrections shall have responsibility, with appropriate appropriations, to develop a plan to construct a facility or facilities to house 150 offenders.
- e. Ideally, three 50 bed facilities would be built, dispersed geographically throughout the state with flexibility of expansion or future conversion to other uses. Facilities should also be planned to accommodate the possible co-location of other functions such as detention or intake and assessment centers, or reception and diagnostic services.
- f. It is anticipated that the maximum security facilities would be administered by the Department of Corrections pursuant to a contract with the commissioner.

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MEMORANDUM

To: Representative David Adkins
From: Jill Ann Wolters, Assistant Revisor
Date: March 6, 1996
Subject: HB 2900

This is the list of sections in HB 2900 that needed clarification as to where they fit in with the Kansas Youth Authority report (KYAR).

Section 1. Citation of act.

Sec. 4. Same as KSA 76-12a19, with technical cleanup.

Sec. 5. Same as KSA 76-12a20, with technical cleanup.

Sec. 6. Subsections (a), (b) and (c) same as KSA 76-12a21, with technical cleanup; subsection (d) from KYAR Placement, Youth Centers, 1. Immediate Reforms. Subparagraph c.; subsection (e) from KYAR Placement, Youth Centers, 1. Immediate Reforms. Subparagraph a.; subsection (f) from KYAR Placement, Youth Centers, 1. Immediate Reforms. Subparagraph b.

Sec. 10. Same as KSA 75-3335, with technical cleanup.

Sec. 11. Same as KSA 75-3335a, with technical cleanup.

Sec. 12. Same as KSA 75-3336, with technical cleanup.

Sec. 13. Same as KSA 75-3336a, with technical cleanup.

Sec. 18. Technical cleanup.

Sec. 19. Technical cleanup.

Sec. 20. Technical cleanup.

Sec. 21. Technical cleanup.

- Sec. 22. Technical cleanup.
- Sec. 24. Technical cleanup.
- Sec. 26. Technical cleanup.
- Sec. 27. Technical cleanup.
- Sec. 28. Technical cleanup.
- Sec. 29. KYAR Intake and Assessment.
- Sec. 30. KYAR Information System Reform, 2. Shared Information.
- Sec. 31. KYAR Intake and Assessment.
- Sec. 32. Information given to me by you in 5 RS 1435
- Sec. 33. KYAR Intake and Assessment.
- Sec. 35. KYAR Intake and Assessment.
- Sec. 36. KYAR Intake and Assessment.
- Sec. 37. Technical cleanup.
- Sec. 39. Technical cleanup and KYAR, Placement, 3. Waiver to Adult Criminal System.
- Sec. 41. Technical cleanup.
- Sec. 42. Technical cleanup.
- Sec. 43. KYAR Information System Reform, 2. Shared Information.
- Sec. 45. Technical cleanup and KYAR Intake and Assessment.
- Sec. 46. KYAR Intake and Assessment.
- Sec. 47. Technical cleanup and KYAR Placement, 1. Placement Options, Subparagraph b.
- Sec. 48. Technical cleanup.
- Sec. 49. Technical cleanup.
- Sec. 50. Technical cleanup.
- Sec. 51. Technical cleanup and KYAR Commissioner of Juvenile Justice, Subparagraph 1.c. Contract.
- Sec. 53. Technical cleanup and KYAR Placement, Youth Centers, 2. Intermediate/Long-Term Reforms, Subparagraph b.
- Sec. 55. Technical cleanup.
- Sec. 56. Technical cleanup.
- Sec. 58. KYAR Intake and Assessment.
- Sec. 60. Technical cleanup.
- Sec. 61. Technical cleanup.

- Sec. 63. KYAR, Placement, 3. Waiver to Adult Criminal System.
- Sec. 64. Technical cleanup.
- Sec. 65. Technical cleanup.
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- Sec. 82. Technical cleanup.
- Sec. 83. Technical cleanup.
- Sec. 85. Technical cleanup.
- Sec. 86. Technical cleanup; KYAR, Placement, 1. Placement Options, Subparagraph b; and KYAR Placement, 2. Dual Sentencing
- Sec. 87. Technical cleanup.
- Sec. 88. Technical cleanup.
- Sec. 89. Technical cleanup; KYAR Placement, 2. Dual Sentencing; and KYAR Placement, 3. Waiver to the Adult Criminal System.
- Sec. 90. Technical cleanup.
- Sec. 91. Technical cleanup and KYAR Placement, 3. Waiver to the Adult Criminal System.
- Sec. 92. Technical cleanup.
- Sec. 93. Technical cleanup; KYAR Placement, 2. Dual Sentencing; and KYAR Placement, 3. Waiver to the Adult Criminal System.
- Sec. 94. Technical cleanup.

- Sec. 95. Technical cleanup.
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- Sec. 107. Technical cleanup.
- Sec. 108. Technical cleanup.
- Sec. 109. Technical cleanup.
- Sec. 110. KYAR, Parental Responsibility, 1. Financial
Accountability, Subparagraph a.
- Sec. 111. KYAR, Parental Responsibility, 1. Financial
Accountability, Subparagraph a.
- Sec. 112. KYAR, Parental Responsibility, 1. Financial
Accountability, Subparagraph a.
- Sec. 113. KYAR, Parental Responsibility, 1. Financial
Accountability, Subparagraph a.
- Sec. 114. KYAR, Parental Responsibility, 1. Financial
Accountability, Subparagraph a.
- Sec. 115. Technical cleanup.
- Sec. 116. Technical cleanup.
- Sec. 117. Technical cleanup.
- Sec. 118. Technical cleanup.
- Sec. 119. Technical cleanup.
- Sec. 120. Technical cleanup.
- Sec. 122. KYAR, Parental Responsibility, 3. School Attendance.
- Sec. 123. Technical cleanup.
- Sec. 124. Technical cleanup.

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Sec. 146. Technical cleanup.
Sec. 147. Technical cleanup.
Sec. 148. Technical cleanup.
Sec. 149. Technical cleanup.
Sec. 150. Technical cleanup.
Sec. 151. Severability clause.
Sec. 152. Sections repealed that take effect on July 1, 1996.
Sec. 153. Sections repealed that take effect on July 1, 1997.
Sec. 154. Effective date.