

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 10, 1996 in Room 123-S of the Capitol.

All members were present except: Senator Moran

Committee staff present: Alan Conroy, Legislative Research Department
Don Cawby, Legislative Research Department
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee: Representative David Adkins

Others attending: See attached list

Copies of the Senior Assistant Revisor's opinion regarding the "Hospital Closure Commission" proviso were distributed to members (Attachment 1). The Chairman noted that the document is self explanatory, though the Committee could request an opinion from the Attorney General if necessary.

Copies of the Governor's Budget Report were distributed to members. That document is available from the Division of the Budget.

Chairman Kerr welcomed Representative David Adkins, noting that he is chairman of the Kansas Youth Authority and requesting that he emphasize the financial impact of that entity's recommendations.

Representative Adkins reviewed a summary of the recommendations made by the Kansas Youth Authority regarding "The Juvenile Justice Reform Act of 1996" (Attachment 2). He told members that an 11% increase in the number of arrests of Kansas juvenile offenders over the last year coincides with the national trend. Representative Adkins stated that 60%-70% of juvenile offenders are one-time offenders. However, a small, but increasing percentage are prone to commit chronic, serious, violent and sometimes lethal offenses. The current juvenile detention system for this cohort is outdated, needs to be more accountable and more integrated. Thus, greater resources will be needed to address this population.

Rep. Adkins believed that the Governor endorsed the KYA's recommendations within fiscal restraints of the budget by allocating \$1 million from the State Institutions Building Fund (SIBF) in the current fiscal year to enhance security at the youth centers, to plan the maximum security component of the recommendations, and to assist SRS and the Department of Corrections with the planning and implementation of reforms. He said that the KYA envisions a maximum security component of 150 beds for violent offenders. Estimates of cost range from \$120,000 to \$160,000 per bed with the total cost estimated to be from \$18 million to \$24 million. Rep. Adkins stated that conversion of existing facilities is being evaluated and reminded members that the KYA wants to access significant federal funds that are available for the construction of maximum security facilities.

Members of the KYA were appointed June 1, 1995 and its successor, the Juvenile Justice Authority, does not become operational until July 1, 1997. Representative Adkins requested that a portion of the monies available in the current fiscal year be allocated to the transitional planning operation. He stated that the KYA believes that prevention will play a key role in the success of the Reform Act, and, to that end, envisions the enactment of the Kansas Endowment for Youth which would consist of a combination of public and private funding sources. He stated that it is the goal of KYA to have an endowment of \$25 million by the year 2001. At the same time, KYA requests that the current Legislature consider committing \$1 million toward the funding of the initial endowment, and that another \$1 million be set aside requiring a private match of \$1 million to provide an incentive program for communities. Representative Adkins requested that the Committee consider earmarking a portion of the gaming revenues generated from race track slot machines, if enacted, as a funding

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on January 10, 1995.

source for additional endowment programs. He advised members, however, that the Kansas Youth Authority in no way endorses any gaming proposals that are or may come before the Legislature. In answer to a question, Rep. Adkins stated that the KYA would embrace continued funding of intake and assessment and community corrections for juveniles.

Following his presentation, Representative Adkins answered questions from members of the Committee regarding the proposal to fence existing juvenile facilities, the potential use of abandoned regional youth detention centers, the possibility of accessing federal funds for the construction or conversion of maximum security facilities within the Youth Authority's timeframe, the interaction of all service delivery agencies involved in the system, overcrowding at the youth centers, the reliability of early indicators of chronic and violent offenders, and problems associated with confidentiality of client information records.

The Chairman announced that Committee meetings would start by 11:05 A.M. and adjourned the meeting at 12:10 P.M. The next meeting is scheduled for January 11, 1995.

M e m o r a n d u m

TO: Representative Rocky Nichols and Senator Anthony Hensley
FROM: Jim Wilson, Senior Assistant Revisor
DATE: November 14, 1995
SUBJECT: "Hospital Closure Commission" Proviso

You have asked for my opinion regarding the provisions of section 65 of chapter 270 of the 1995 Session Laws of Kansas, which provides an appropriation for the operating expenditures of a hospital closure commission. Specifically, you ask:

(1) Do the provisions of this section and the recommendations of the commission require the Governor to automatically carry out the recommendations of the commission;

(2) may the Governor recommend in the Governor's Budget Message to the Legislature during the 1996 regular session that the hospitals recommended for closure remain open and be continued in operation;

(3) do the provisions of this section and the recommendations of the commission limit what laws the Legislature may enact during the 1996 regular session; and

(4) do the provisions of this section require the Legislature and the Governor to act by the 45th calendar day of the 1996 regular session of the Legislature to pass a law to reject the commendations of the commission?

Section 65 of 1995 Substitute for Senate Bill No. 385 was part of the "Omnibus" or final appropriation bill passed by the Legislature during the 1995 regular session. The provisions of this section constitute the parameters of the activities for which the operating expenditures for the commission are specifically authorized to be made

b The Department of Administration from the policy analysis initiative account of the state general fund for fiscal year 1996. They describe in detail the composition, organization, duties and deadlines for action of the commission for which the expenditures are authorized.

In part, the section further states:

"...And provided further, That the commission's recommendation of a mental health hospital to be closed and the commission's recommendation of a mental retardation hospital to be closed, and the recommended dates of closure, shall be final unless the legislature, by law passed on or before February 21, 1996, the 45th calendar day in the 1996 regular session, rejects such recommendation: And provided further, That unless so rejected by the legislature, the hospitals recommended for closure shall be closed at the time recommended, notwithstanding any other provision of law to the contrary: And provided further, That all other recommendations of the commission shall be advisory only" [subsection (a)(8)(F) of section 65, chapter 270, 1995 Session Laws of Kansas]

(1) Do the provisions of this section and the recommendations of the commission require the Governor to automatically carry out the recommendations of the commission? In my opinion, they do not.

(2) May the Governor recommend in the Governor's Budget Message to the Legislature during the 1996 regular session that the hospitals recommended for closure remain open and be continued in operation? In my opinion, yes. The Governor is not limited in making recommendations to the Legislature by this section or the recommendations of the commission.

The following rationale applies to both questions (1) and (2). The section states that the commission's recommendations "shall be final" unless rejected by law passed by the date specified and that the designated hospitals "shall be closed at the time recommended, notwithstanding any other provision of law to the contrary." However,

these provisions are part of an appropriation for the fiscal year ending June 30, 1996. Further, the provisions do not require any specific action by the Governor.

The Constitution of Kansas and Kansas statutes specifically require the Governor to make such recommendations to the Legislature as the Governor deems appropriate for Kansas at each session of the Legislature. "At every session of the legislature the governor shall communicate in writing information in reference to the condition of the state, and recommend such measures as he deems expedient." [Section 5 of Article 1 of the Kansas Constitution] K.S.A. 75-102 and amendments thereto requires the Governor to "communicate every session ... the condition of the state, and recommend such measures as the governor may deem expedient" K.S.A. 75-3721 and amendments thereto requires the Governor to submit the governor's budget report each session, which is to set forth the Governor's "... recommendations with reference to the fiscal policy of the state government for the ensuing fiscal period" These requirements clearly contemplate that the Governor is to exercise his or her independent judgment preparing recommendations to be submitted to the Legislature.

(3) Do the provisions of this section and the recommendations of the commission, which are adopted pursuant thereto, limit what laws the Legislature may enact during the 1996 regular session? In my opinion, they do not.

The legislative or lawmaking power of Kansas is vested in a House of Representatives and a Senate. [Section 1, Article 2 of the Kansas Constitution] It is a well-settled principle that the powers of each legislature are limited because it cannot enact laws which deny to a future legislature the power to change the law for the future. That

one legislature has no power by the enactment of laws to prohibit subsequent legislature from the full performance of its duties in the enactment of such laws as in its judgment are demanded for the public safety or general welfare of the public. Board of Education v. Phillips, 67 Kan. 549 (1903).

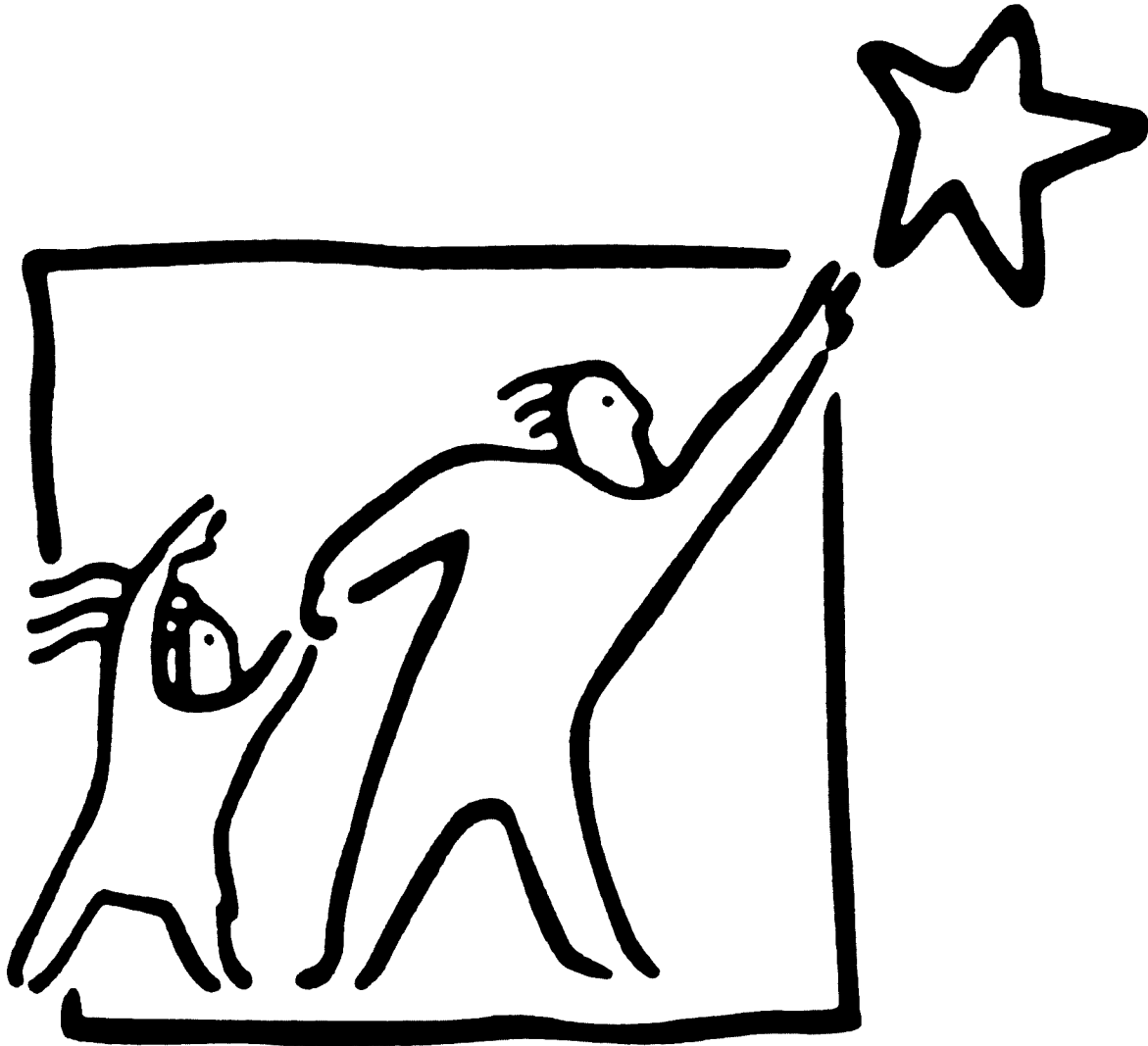
This plenary power of lawmaking is subject only to the restrictions imposed by the other provisions of the Kansas Constitution and the provisions of the United States Constitution. The Legislature is not limited by the provisions of the section or the recommendations from enacting laws which reject the commission's recommendations either explicitly (by literally rejecting the specific closure recommendations) or implicitly (by appropriating moneys from the state treasury for the operations of the hospitals recommended for closure).

(4) Do the provisions of this section require the Legislature and the Governor to act by the 45th calendar day of the 1996 regular session of the Legislature to pass a law to reject the recommendations of the commission? In my opinion, they do not.

Since one legislature has no power by the enactment of laws to prohibit a subsequent legislature from the full performance of its duties in the enactment of laws, when such future legislature acts is also within the sound discretion of the future legislature.

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

SWAM
January 10, 1996
Attachment 2

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.