

Approved: 4-23-97
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Joe Kejr at 1:00 p.m. on April 8, 1997 in Room 522-S of the Capitol.

All members were present except: Representative Andrew Howell, Excused
Representative Phill Kline, Excused
Representative Henry Helgerson, Excused

Committee staff present: Tricia Pierron, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Lynn Workman, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman asked staff, Jill Wolters, Revisor's Office, to brief the committee on the balloon for **Substitute for HB 2506**.

After a lengthy discussion on the amendments (attachment # 1) Representative Ed McKechnie made a motion to delete the provisions of SB 69, insert the amended version of **Substitue of HB 2506** and **SB 69** be passed. Representative Sheri Weber seconded the motion. Motion carried.

The next meeting is scheduled for April 9, 1997.

SELECT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST

DATE: 4/8/97

NAME	REPRESENTING
Mitch Cooper	SRS
Jim Glass	HSM&M, Inc.
Datie Bolt-Goeke	Univ. of Ks School of Social Work
Elaine Myers	Minority Leaders of C.
Bark Tombs	KSC
Julie Meyer	KSC
Don Allza	CSC
W. Sanders	Gov's office
Bosilyn James-Martin	SRS Children & Family Services
Pat Schreiner	JIAS-OJA
Doug IRVIN	OJA
Roger Myers	Top Cap. Program
Oddie Lacey	KCS
Helen Stephens	RPOA/KSA
Tom Brown	Allen Assoc.
Phillip Locken	Wyandotte County

Substitute for HOUSE BILL No. 2506

By Committee on Judiciary

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9 AN ACT concerning juveniles; amending K.S.A. 20-1a11, 21-3612, as
 10 amended by section 25 of chapter 229 of the 1996 Session Laws of
 11 Kansas, 22-4701, as amended by section 27 of chapter 229 of the 1996
 12 Session Laws of Kansas, 38-1604, as amended by section 42 of chapter
 13 229 of the 1996 Session Laws of Kansas, 38-1604, as amended by
 14 section 43 of this act, 38-1610, as amended by section 50 of chapter
 15 229 of the 1996 Session Laws of Kansas, 38-1618, as amended by
 16 section 59 of chapter 229 of the 1996 Session Laws of Kansas, 38-1632,
 17 as amended by section 64 of chapter 229 of the 1996 Session Laws of
 18 Kansas, 38-1633, as amended by section 65 of chapter 229 of the 1996
 19 Session Laws of Kansas, 38-1636, as amended by section 67 of chapter
 20 229 of the 1996 Session Laws of Kansas, 38-1636, as amended by
 21 section 54 of this act, 38-1661, as amended by section 79 of chapter
 22 229 of the 1996 Session Laws of Kansas, 38-1662, as amended by
 23 section 80 of chapter 229 of the 1996 Session Laws of Kansas, 38-1674,
 24 as amended by section 89 of chapter 229 of the 1996 Session Laws of
 25 Kansas, 38-1681, as amended by section 93 of chapter 229 of the 1996
 26 session laws of Kansas, 38-1681, as amended by section 68 of this act,
 27 38-16,111, as amended by section 97 of chapter 229 of the 1996 session
 28 laws of Kansas, 38-16,111, as amended by section 71 of this act, 72-
 29 978, as amended by section 120 of chapter 229 of the 1996 Session
 30 Laws of Kansas, 75-5291, 76-2101, as amended by section 140 of chap-
 31 ter 229 of the 1996 Session Laws of Kansas, 76-2101a, as amended by
 32 section 141 of chapter 229 of the 1996 Session Laws of Kansas, 76-
 33 2101b, as amended by section 142 of chapter 229 of the 1996 Session
 34 Laws of Kansas, 76-2125, as amended by section 145 of chapter 229
 35 of the 1996 Session Laws of Kansas, 76-2128, as amended by section
 36 146 of chapter 229 of the 1996 Session Laws of Kansas, 76-2201, as
 37 amended by section 147 of chapter 229 of the 1996 Session Laws of
 38 Kansas, 76-2201a, as amended by section 148 of chapter 229 of the
 39 1996 Session Laws of Kansas, and 76-2219, as amended by section 149
 40 of chapter 229 of the 1996 Session Laws of Kansas, K.S.A. 1995 Supp.
 41 38-1602, as amended by section 41 of chapter 229 of the 1996 Session
 42 Laws of Kansas, 38-1602, as amended by section 41 of this act, 38-
 43 1608, as amended by section 48 of chapter 229 of the 1996 Session

38-1674, as amended by section 64 of this act,

38-1691, as amended by chapter 95 of Section 229 of the 1996 Session Laws of Kansas,

Suggested amendments
 Presented to the Select Committee on Corrections
 and Juvenile Justice
 Prepared by the Revisor of Statutes Office
 April 8, 1997

Select Committee on Corrections
 + Juvenile Justice
 4-8-97
 Attachment #1

Laws of Kansas, 38-1611, as amended by section 51 of chapter 229 of the 1996 Session Laws of Kansas, 38-1635, as amended by section 66 of chapter 229 of the 1996 Session Laws of Kansas, 38-1663, as amended by section 81 of chapter 229 of the 1996 Session Laws of Kansas, 38-1663, as amended by section 59 of this act, 38-1668, as amended by section 85 of chapter 229 of the 1996 Session Laws of Kansas, 38-1671, as amended by section 86 of chapter 229 of the 1996 Session Laws of Kansas, 38-1673, as amended by section 88 of chapter 229 of the 1996 Session Laws of Kansas, 38-1675, as amended by section 90 of chapter 229 of the 1996 Session Laws of Kansas, 38-1675, as amended by section 65 of this act, 38-1676, as amended by section 91 of chapter 229 of the 1996 Session Laws of Kansas, and 74-9501, as amended by section 127 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 21-2511, 21-3413, 28-170, 38-1507, 38-1508, 38-1522, 38-1613, 38-1614, 38-1640, 38-1692, 38-16,126, 38-16,128, 38-1808, 40-1909, 40-19c09, 72-89a02, 74-8810, 75-2935, 75-2935b, 75-6102, 75-6104, 75-6801, 75-7001, 75-7007, 75-7008, 75-7009, 75-7021, 75-2023, 75-7024, 75-7025, 75-7026, 75-7028, 76-6b04, 76-3201 and 79-4803 and repealing the existing sections; also repealing K.S.A. 21-2511, as amended by section 22 of chapter 229 of the 1996 Session Laws of Kansas, 21-3413, as amended by section 23 of chapter 229 of the 1996 Session Laws of Kansas, 21-3611, as amended by section 24 of chapter 229 of the 1996 Session Laws of Kansas, 28-170, as amended by section 28 of chapter 229 of the 1996 Session Laws of Kansas, 38-1613, as amended by section 52 of chapter 229 of the 1996 Session Laws of Kansas, 38-1614, as amended by section 53 of chapter 229 of the 1996 Session Laws of Kansas, 38-1640, as amended by section 71 of chapter 229 of the 1996 Session Laws of Kansas, 38-1672, as amended by section 87 of chapter 229 of the 1996 Session Laws of Kansas, 40-1909, as amended by section 110 of chapter 229 of the 1996 Session Laws of Kansas, and 74-5363, as amended by section 124 of chapter 229 of the 1996 Session Laws of Kansas, K.S.A. 1995 Supp. 38-1692, as amended by section 96 of chapter 229 of the 1996 Session Laws of Kansas, 40-19c09, as amended by section 113 of chapter 229 of the 1996 Session Laws of Kansas, and 74-8810, as amended by section 126 of chapter 229 of the 1996 Session Laws of Kansas and K.S.A. 1996 Supp. 75-7010.

38-1652, as amended by section 73 of chapter 229 of the 1996 Session Laws of Kansas,

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

New Section 1. (a) In order to provide technical assistance to communities, help facilitate community collaboration and assist in coordinating a statewide system of community based service providers, pursuant to K.S.A. 75-7024, and amendments thereto, the commissioner of juvenile

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justice shall appoint a community planning team convener and a community planning team facilitator in each judicial district. The commissioner may appoint a convener and facilitator for a multiple district planning team, if, in the commissioner's opinion, such multiple district planning team best furthers the purposes of the juvenile justice reform act. The convener and facilitator may be compensated by the grant funds.

(b) The community planning team convener shall invite representatives from the following groups and agencies to be a part of the community planning team: The courts, court services, public education, juvenile community correctional services, the county or district attorney, the public defender's office or private defense counsel, law enforcement, juvenile detention, prevention services, health care professionals, mental health services, juvenile intake and assessment, municipal officials, county officials, private service providers, the department of social and rehabilitation services, the business community, the religious community, youth and such other representatives as the convener and commissioner deem necessary. The community planning team convener may invite the entire membership of the corrections advisory board, as established in K.S.A. 75-5297, and amendments thereto, and the juvenile corrections advisory board, as established by section 13, and amendments thereto, to be a part of the community planning team.

(c) The commissioner, or the commissioner's designee shall serve as an ex officio member of each community planning team.

(d) All proceedings of the community planning team and any committee or subcommittee of the team shall be open to the public in accordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and amendments thereto. The records of the community planning team shall be open to public inspection at all reasonable times.

(e) Between July 1, 1997, and June 30, 1999, the community planning team shall engage in strategic planning to develop programs, services and placement options as are necessary and appropriate for each judicial district's juvenile justice program consistent with planning guidelines developed by the commissioner. ~~The commissioner shall develop and implement a planning schedule and shall set forth planning objectives and strategies to guide community planning teams in the planning process.~~

(f) The commissioner shall provide training and expertise for communities during the strategic planning process of the community planning team.

(g) On July 1, 1999, each judicial district or multiple district judicial district shall have developed and be prepared to implement a juvenile justice program. On or before June 30, 1999, such program shall be accredited by the commissioner pursuant to rules and regulations adopted by the commissioner.

← Insert on attached page. Committee discussion.

The commissioner shall design the planning process to empower communities to develop community-based programs, services and placements sufficient to address juvenile crime and to appropriately provide programs and services to prevent juvenile crime. The commissioner shall develop an action plan to guide implementation of community planning. The action plan shall establish a schedule for the planning process and shall clearly state desired outcomes of the planning process. Before implementation of the community planning process, the commissioner shall submit the proposed action plan to the joint committee on corrections and juvenile justice oversight for review. The commissioner shall also provide such committee with regular progress reports on the status of the planning process. The primary purposes of the community planning process shall be to:

- 1) Foster collaboration among stakeholders in the juvenile justice system;
- 2) accurately assess community risk factors affecting juveniles;
- 3) determine community priorities to respond to juvenile crime and the risk factors affecting juveniles;
- 4) develop programs, services and placements, with sufficient capacity, to appropriately hold juvenile offenders in the community accountable for behavior which violates the law;
- 5) provide communities with assistance in developing juvenile justice programs which respond to community needs and priorities and which are cable of achieving desired outcomes, and in identifying resources necessary to provide such programs;
- 6) encourage the staffing of juvenile justice programs with appropriately trained personnel; and
- 7) provide communities with technical assistance, as needed, to achieve desired planning outcomes.

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1 (h) Each juvenile justice program shall include, but not be limited to,
2 local prevention services, juvenile intake and assessment, juvenile deten-
3 tion and attendant care, immediate intervention programs, aftercare serv-
4 ices, graduated sanctions programs, probation programs, conditional re-
5 lease programs, sanctions for violations of probation terms or programs,
6 sanctions for violations of conditional release programs and out-of-home
7 placements.

8 (i) Each juvenile justice program shall demonstrate that in the judicial
9 district is a continuum of community based placement options with suf-
10 ficient capacity to accommodate community needs.

11 (j) Each juvenile justice program shall participate in the juvenile jus-
12 tice information system, intake and assessment system and the utilization
13 of a standardized risk assessment data.

14 (k) (1) There is hereby created in the state treasury a juvenile justice
15 community planning fund. Money credited to the fund shall be used
16 solely for the purpose of making grants to community planning teams, as
17 established in this section, to assist with the community planning process
18 of determining juvenile justice programs for the judicial district.

19 (2) All expenditures from the juvenile justice community planning
20 fund shall be made in accordance with appropriations acts upon warrants
21 of the director of accounts and reports issued pursuant to vouchers ap-
22 proved by the commissioner of juvenile justice or by a person or persons
23 designated by the commissioner.

24 (3) The commissioner of juvenile justice may apply for, receive and
25 accept money from any source for the purposes for which money in the
26 juvenile justice community planning fund may be expended. Upon receipt
27 of any such money, the commissioner shall remit the entire amount at
28 least monthly to the state treasurer, who shall deposit it in the state trea-
29 sury and credit it to the juvenile justice community planning fund.

30 (4) On or before the 10th of each month, the director of accounts
31 and reports shall transfer from the state general fund to the juvenile
32 justice community planning fund interest earnings based on:

33 (A) The average daily balance of moneys in the juvenile justice com-
34 munity planning fund for the preceding month; and

35 (B) the net earnings rate of the pooled money investment portfolio
36 for the preceding month.

37 (l) (1) There is hereby created in the state treasury a juvenile justice
38 community initiative fund. Money credited to the fund shall be used
39 solely for the purpose of making grants to communities to assist in sup-
40 porting field services, case management services and juvenile justice pro-
41 grams, services and placements in the judicial district.

42 (2) All expenditures from the juvenile justice community initiative
fund shall be made in accordance with appropriations acts upon warrants

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compliance or satisfactory progress being made toward compliance. If the commissioner of juvenile justice determines at such hearing that there is not substantial compliance or satisfactory progress being made toward compliance, the commissioner of juvenile justice may suspend all or a portion of any grant under sections 7 through 22, and amendments thereto, until the required standards of operation have been met.

New Sec. 13. (a) Subject to the other provisions of this section, each juvenile corrections advisory board established under sections 7 through 22, and amendments thereto, shall consist of 12 or more members who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public and shall be appointed as follows:

(1) The law enforcement representatives shall be:

(A) The sheriff or, if two or more counties are cooperating, the sheriff selected by the sheriffs of those counties, or the designee of that sheriff; and

(B) the chief of police of the city with the largest population at the time the board is established or, if two or more counties are cooperating, the chief of police selected by the chiefs of police of each city with the largest population in each county at the time the board is established, or the designee of that chief of police, except that for purposes of this paragraph in the case of a county having consolidated law enforcement and not having a sheriff or any chiefs of police, "sheriff" means the law enforcement director and "chief of police of the city with the largest population" or "chief of police" means a law enforcement officer, other than the law enforcement director, appointed by the county law enforcement agency for the purposes of this section;

(2) the prosecution representative shall be the county or district attorney or, if two or more counties are cooperating, a county or district attorney selected by the county and district attorneys of those counties, or the designee of that county or district attorney;

(3) the judiciary representative shall be the ~~administrative~~ judge of the district court of the judicial district containing the county or group of counties or, if two or more counties in two or more judicial districts are cooperating, the ~~administrative~~ judge of each such judicial district, ~~or a judge of the district court designated by each such administrative judge;~~

(4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by the boards of county commissioners of those counties;

(5) a court services officer designated by the ~~administrative~~ judge of the district court of the judicial district containing the county or group of counties or, if counties in two or more judicial districts are cooperating,

, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, [Rep. Pauls]

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a court services officer designated by the ~~(administrative)~~ judges of those judicial districts;

, who are assigned the juvenile court docket or the judges who are assigned most juvenile court cases [Rep. Pauls]

4 (6) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint three additional members of the juvenile corrections advisory board or, if necessary, additional members so that each county which is not otherwise represented on the board is represented by at least one member of such board; and

9 (7) three members of the juvenile corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows:

12 (A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each appoint one member;

15 (B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member;

18 (C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and

20 (D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

23 (b) If possible, of the members appointed by the boards of county commissioners in accordance with subsection (a)(6) and by the governing bodies of cities in accordance with subsection (a)(7), members shall be representative of one or more of the following:

- 27 (1) Public or private social service agencies;
- 28 (2) ex-offenders;
- 29 (3) the health care professions; and
- 30 (4) the general public.

31 (c) At least two members of each juvenile corrections advisory board shall be representative of ethnic minorities and no more than 2/3 of the members of each board shall be members of the same sex.

34 (d) In lieu of the provisions of subsections (a) through (c), a group of cooperating counties as provided in subsection (a)(2) of section 21, and amendments thereto, may establish a juvenile corrections advisory board which such board's membership shall be determined by such group of counties through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of sections 7 through 22, and amendments thereto, except that if two or more counties in two or more judicial districts are cooperating, the administrative judge of each such judicial district, or a judge of the district court designated by each

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2 such administrative judge shall be a member of such board. In determin-
3 ing the membership of the juvenile corrections advisory board pursuant
4 to this subsection, such group of counties shall appoint members who are
5 representative of law enforcement, prosecution, the judiciary, education,
6 corrections, ethnic minorities, the social services and the general public.
7 Any juvenile corrections advisory board established and the membership
8 determined pursuant to this subsection shall be subject to the approval
9 of the commissioner of juvenile justice.

10 (e) In lieu of the provisions of subsections (a) through (d), any county
11 or counties may designate the corrections advisory board, as established
12 in K.S.A. 75-5297, and amendments thereto, as such county or counties
13 juvenile corrections advisory board.

14 New Sec. 14. (a) Members of a juvenile corrections advisory board
15 appointed in accordance with section 13, and amendments thereto, shall
16 serve for terms of two years from and after the date of their appointment
17 and shall remain in office until their successors are duly appointed. All
18 vacancies in a juvenile corrections advisory board shall be filled for the
19 unexpired term in the manner that the position was originally filled. Each
20 juvenile corrections advisory board shall elect its own officers.

21 (b) All proceedings of the juvenile corrections advisory board and any
22 committee or subcommittee of the board shall be open to the public in
23 accordance with and subject to the provisions of K.S.A. 75-4317 to 75-
24 4320, inclusive, and amendments thereto. All votes of members of the
25 juvenile corrections advisory board shall be recorded and shall become
26 matters of public record.

27 (c) The juvenile corrections advisory board shall promulgate and im-
28 plement rules concerning the conduct of proceedings and attendance of
29 members at board meetings.

30 New Sec. 15. Juvenile corrections advisory boards established under
31 the provisions of sections 7 through 22, and amendments thereto, shall
32 actively participate in the formulation of the comprehensive plan for the
33 development, implementation and operation of the juvenile correctional
34 services described in section 7, and amendments thereto, in the county
35 or group of cooperating counties, and shall make a formal recommen-
36 dation to the board or boards of county commissioners at least annually
37 concerning the comprehensive plan and its implementation and operation
38 during the ensuing year.

39 New Sec. 16. Any comprehensive plan submitted pursuant to sec-
40 tions 7 through 22, and amendments thereto, may include the purchase
41 of selected juvenile correctional services by contract, including the tem-
42 porary detention and confinement of juvenile offenders. The commis-
43 sioner of juvenile justice shall annually determine the costs of the pur-
44 chase of services under this section and deduct them from the grant

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3 comprehensive plan for the development, implementation, operation and im-
 4 provement of the juvenile correctional services described in section 7,
 5 and amendments thereto, which has been approved by the commissioner
 6 of juvenile justice and which, in addition to such matters as are prescribed
 7 by rules and regulations of the commissioner, provides for centralized
 8 administration and control of the juvenile correctional services under such
 9 plan. Such group of counties may comply with the provisions of this sub-
 10 section through cooperative action pursuant to the provisions of K.S.A.
 11 12-2901 through 12-2907, and amendments thereto, to the extent that
 12 those statutes do not conflict with the provisions of sections 7 through
 13 22, and amendments thereto; or

14 (3) contracted for juvenile correctional services described in section
 15 7, and amendments thereto, from any county or group of cooperating
 16 counties, as provided in section 20, and amendments thereto, which are
 17 receiving grants under sections 7 through 22, and amendments thereto.

18 (b) Before September 15, 1998, the administrative judge in each ju-
 19 dicial district shall make a recommendation to the board of county com-
 20 missioners in each county in such judicial district which has not estab-
 21 lished a program to provide for the juvenile correctional services
 22 described in section 7, and amendments thereto, as to which option pro-
 23 vided in subsection (a) each such county in such judicial district should
 24 choose to comply with the provisions of sections 7 through 22, and
 25 amendments thereto.

26 New Sec. 22. (a) On or before each March 15, each county or group
 27 of counties applying to receive a grant shall submit a budget request to
 28 the commissioner. On or before each July 1, the commissioner of juvenile
 29 justice and the Kansas advisory group on juvenile justice and delinquency
 30 prevention shall determine annually the amount of the grant for the en-
 31 suing fiscal year for each county or group of counties which has qualified
 32 to receive grants as provided in this section.

33 (b) The determination of the grant of a county or group of counties
 34 by the commissioner shall consider, but not be limited to, the following
 35 criteria: Staffing levels justified by active cases under supervision; one-
 36 time expenditures such as renovation or construction costs, major equip-
 37 ment purchases or capital acquisitions; administrative costs; funded con-
 38 tracts for services; client numbers; caseload projections; travel costs
 39 outside the program area; and existing experience of similar programs.

40 New Sec. 23. On and after July 1, 1999: (a) For the purpose of sen-
 41 tencing juvenile offenders, the following placements may be applied by
 the judge in felony or misdemeanor cases for offenses committed on or
 after July 1, 1999. If used, the court shall establish a specific term of
 commitment.

(b) The term "juvenile" (A) The violent offender is defined as an

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offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be an off-grid felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 60 months and up to a maximum term of the offender reaching the age of 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years.

(B) The violent offender II is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a nondrug level 1, 2 or 3 person felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 24 months and up to a maximum term of the offender reaching the age 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the of age 23 years.

(2) *Serious Offenders.* (A) The serious offender I is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a nondrug severity level 4, 5 or 6 person felony or a severity level 1 or 2 drug felony. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of 18 months and up to a maximum term of 36 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(B) The serious offender II is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a nondrug severity level 7, 8, 9 or 10 person felony with one prior felony adjudication. Offenders in this category may be committed to a juvenile correctional facility for a minimum term of nine months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 24 months.

(3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a:

(i) One present nonperson felony adjudication and two prior felony adjudications; or

(ii) one present severity level 3 drug felony adjudication and two prior felony adjudications.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of six months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 12 months.

(B) The chronic offender II, escalating felon is defined as an offender

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adjudicated as a juvenile offender if the offense, if committed by an adult, would be a:

(i) One present felony adjudication and two prior misdemeanor adjudications;

(ii) one present felony adjudication and two prior severity level 4 drug adjudications;

(iii) one present severity level 3 drug felony adjudication and two prior misdemeanor adjudications; or

(iv) one present severity level 3 drug felony adjudication and two prior severity level 4 drug adjudications.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of six months and up to a maximum term of 18 months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of 12 months.

(C) The chronic offender III, escalating misdemeanant is defined as an offender adjudicated as a juvenile offender if the offense, if committed by an adult, would be a:

(i) One present misdemeanor adjudication and two prior misdemeanor adjudications and two out-of-home placement failures;

(ii) one present misdemeanor adjudication and two prior severity level 4 drug felony adjudications and two out-of-home placement failures;

(iii) one present severity level 4 drug felony adjudication and two prior misdemeanor adjudications and two out-of-home placement failures; or

(iv) one present severity level 4 drug felony adjudication and two prior severity level 4 felony adjudications and two out-of-home placement failures.

Offenders in this category may be committed to a juvenile correctional facility for a minimum term of three months and up to a maximum term of six months. The aftercare term for this offender is set at a minimum term of three months and up to a maximum term of six months.

(4) *Conditional Release Violators*. Conditional release violators may be committed for a minimum term of three months and up to a maximum term of six months. The aftercare term for this offender is set at a minimum term of two months and up to a maximum term of six months, or the maximum term of the original aftercare term, whichever is longer.

(b) As used in this section, "placement failure" means a juvenile offender has been placed out-of-home on probation in an accredited community placement in a juvenile offender case and the offender has significantly violated the terms of probation in that case.

(c) All appropriate community placement options shall have been exhausted before such juvenile offender shall be placed in a juvenile correctional facility. A court finding shall be made acknowledging that ap-

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(2) "Adjudication" includes out-of-state juvenile adjudications. An out-of-state crime will be classified as either a felony or a misdemeanor according to the adjudicating jurisdiction. If a crime is a felony in another state, it will be counted as a felony in Kansas. The state of Kansas shall classify the crime as person or nonperson. In designating a crime as person or nonperson comparable offenses shall be referred to. If the state of Kansas does not have a comparable offense, the out-of-state conviction shall be classified as a nonperson crime.

[John Fritz, Johnson County Assistant District Attorney request]

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appropriate community placement options have been pursued and no such option is appropriate.

(d) The commissioner shall work with the community to provide ongoing support and incentives for the development of additional community placements to ensure that the chronic offender III, escalating misdemeanor sentencing category is not frequently utilized.

New Sec. 24. On and after July 1, 1999: (a) For purposes of determining release of a juvenile offender for an offense committed on or after July 1, 1999, a system shall be developed whereby good behavior by juvenile offenders is the expected norm and negative behavior will be punished.

(b) The commissioner of juvenile justice is hereby authorized to adopt rules and regulations to carry out the provisions of this section regarding good time calculations. Such rules and regulations shall provide circumstances upon which a juvenile offender may earn good time credits through participation in programs which may include, but not be limited to, education programs, work participation, treatment programs, vocational programs, activities and behavior modification. Such good time credits may also include the juvenile offender's willingness to examine and confront the past behavior patterns that resulted in the commission of the juvenile's offense.

(c) If the placement sentence established in section 23, and amendments thereto, is used by the court, the juvenile offender shall serve no less than the minimum term authorized under the specific category of such placement sentence.

New Sec. 25. On and after July 1, 1999:

(a) The commissioner of juvenile justice may petition the court to modify the placement sentence established in section 23, and amendments thereto, after a juvenile offender has served the minimum term indicated by the placement sentence, based upon program completion, positive behavior modification and progress made.

(b) If the court grants the modification, the sentence shall be shortened, and the term of aftercare that was pronounced at sentencing shall commence.

(c) If the court does not grant the modification, the juvenile's attorney may petition for modification and a formal hearing shall be granted.

(d) The aftercare supervisor may petition the court for early discharge, extension or revocation from conditional release or aftercare.

New Sec. 26. The name of the youth center at Larned is hereby changed to the Larned juvenile correctional facility. On and after July 1, 1997, any reference to the youth center at Larned, or words of like effect, in any statutes, contract or other document shall be deemed to apply to

Larned juvenile correctional facility. The Larned juvenile correctional facility

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provided in K.S.A. 28-170a and amendments thereto.

3 (d) In actions pursuant to the Kansas code for care of children (K.S.A.
4 38-1501 *et seq.* and amendments thereto), the Kansas juvenile offenders
5 justice code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for
6 treatment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments
7 thereto), the act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and
8 amendments thereto) or the care and treatment act for mentally ill per-
9 sons (K.S.A. 1996 Supp. 59-2945 *et seq.* and amendments thereto), the
10 clerk shall charge an additional fee of \$.50 which shall be deducted from
11 the docket fee and credited to the indigents' defense services fund as
12 provided in K.S.A. 28-172b and amendments thereto.

13 Sec. 38. K.S.A. 1996 Supp. 38-1507 is hereby amended to read as
14 follows: 38-1507. (a) In order to protect the privacy of children who are
15 the subject of a child in need of care record or report, all records and
16 reports concerning children in need of care, including the juvenile intake
17 and assessment report, received by the department of social and reha-
18 bilitation services, a law enforcement agency or any juvenile intake and
19 assessment worker shall be kept confidential except: (1) To those persons
20 or entities with a need for information that is directly related to achieving
21 the purposes of this code, or (2) upon an order of a court of competent
22 jurisdiction or an administrative hearing officer of the state upon a de-
23 termination by the court or hearing officer issuing the order that disclo-
24 sure of the reports and records ~~is in the best interests of the child. Such~~
25 ~~access shall be limited to in camera inspection unless the court or hearing~~
26 ~~officer otherwise issues an order specifying the terms of disclosure.~~

27 (b) When a report is received by the department of social and reha-
28 bilitation services, a law enforcement agency or any juvenile intake and
29 assessment worker which indicates a child may be in need of care, the
30 following persons and entities shall have a free exchange of information
31 between and among them:

- 32 (1) The department of social and rehabilitation services;
- 33 (2) the commissioner of juvenile justice;
- 34 (3) the law enforcement agency receiving such report;
- 35 (4) members of a court appointed multidisciplinary team;
- 36 (5) an entity mandated by federal law or an agency of any state au-
37 thorized to receive and investigate reports of a child known or suspected
38 to be in need of care;
- 39 (6) a military enclave or Indian tribal organization authorized to re-
40 ceive and investigate reports of a child known or suspected to be in need
41 of care;
- (7) a county or district attorney;
- (8) a court services officer who has taken a child into custody pursuant
to K.S.A. 38-1527, and amendments thereto;

are necessary for proceedings before it and are otherwise admissible in evidence, except that access shall be limited to in camera inspection unless the court determines that public disclosure is necessary for the resolution of an issue pending before it [SRS request]

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(9) a guardian ad litem appointed for a child alleged to be in need of care;

3 (10) an intake and assessment worker; and

4 (11) any community corrections program which has the child under
5 court ordered supervision.

6 (c) The following persons or entities shall have access to information,
7 records or reports received by the department of social and rehabilitation
8 services, a law enforcement agency or any juvenile intake and assessment
9 worker. Access shall be limited to information necessary to carry out their
10 lawful responsibilities or to diagnose, treat, care for or protect a child
11 alleged to be in need of care.

12 (1) A child named in the report or records.

13 (2) A parent or other person responsible for the welfare of a child,
14 or such person's legal representative.

15 (3) A court-appointed special advocate for a child, a citizen review
16 board or other advocate which reports to the court.

17 (4) A person licensed to practice the healing arts or mental health
18 profession in order to diagnose, care for, treat or supervise: (A) A child
19 whom such service provider reasonably suspects may be in need of care;
20 (B) a member of the child's family; or (C) a person who allegedly abused
21 or neglected the child.

22 (5) A person or entity licensed or registered by the secretary of health
23 and environment or approved by the secretary of social and rehabilitation
24 services to care for, treat or supervise a child in need of care. In order to
25 assist a child placed for care by the secretary of social and rehabilitation
26 services in a foster home or child care facility, the secretary shall provide
27 relevant information to the foster parents or child care facility prior to
28 placement and as such information becomes available to the secretary.

29 (6) ~~Parties to a court proceeding in which the information in the~~
30 ~~records is legally relevant and necessary for determination of an issue~~
31 ~~before such court, provided that prior to such disclosure the judge has~~
32 ~~reviewed the records in camera, has determined the relevancy and ne-~~
33 ~~cessity of such disclosure and has limited disclosure to such legally rele-~~
34 ~~vant information under an appropriate order.~~

35 (7) A coroner or medical examiner when such person is determining
36 the cause of death of a child.

37 ~~(8)~~ (7) The state child death review board established under K.S.A.
38 22a-243, and amendments thereto.

39 ~~(9)~~ (8) A prospective adoptive parent prior to placing a child in their
40 care.

41 ~~(10)~~ (9) The department of health and environment or person au-
42 ~~thorized by the department of health and environment pursuant to K.S.A.~~
43 ~~512, and amendments thereto, for the purpose of carrying out respon-~~

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ities relating to licensure or registration of child care providers as required by chapter 65 of article 5 of the Kansas Statutes Annotated, and amendments thereto.

~~(11)~~ (10) The state protection and advocacy agency as provided by subsection (a)(10) of K.S.A. 65-5603 or subsection (a)(2)(A) and (B) of K.S.A. 74-5515, and amendments thereto.

~~(12)~~ (11) Any educational institution to the extent allowed pursuant to law or pursuant to court order.

~~(13)~~ Any other person when authorized by a court order, subject to any conditions imposed by the order.

(d) Information from a record or report of a child in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.

(e) Nothing in this section shall be interpreted to prohibit the secretary of social and rehabilitation services from summarizing the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(f) Disclosure of information from reports or records of a child in need of care to the public shall be limited to ~~confirmation~~ *confirmation* of factual details with respect to how the case was handled that do not violate the privacy of the child, if living, or the child's siblings, parents or guardians. Further, confidential information may be released to the public only with the express written permission of the individuals involved or their representatives or upon order of the court having jurisdiction upon a finding by the court that public disclosure of information in the records or reports is necessary for the resolution of an issue before the court.

(g) Nothing in this section shall be interpreted to prohibit a court of competent jurisdiction from making an order disclosing the findings or information pursuant to a report of alleged or suspected child abuse or neglect which has resulted in a child fatality or near fatality if the court determines such disclosure is necessary to a legitimate state purpose. In making such order, the court shall give due consideration to the privacy of the child, if, living, or the child's siblings, parents or guardians.

~~(g)~~ (h) Information authorized to be disclosed in subsections (c) through (f) shall not contain information which identifies a reporter of a

child in need of care.

(h) (i) Records or reports authorized to be disclosed in this section shall not be further disclosed.

(i) (j) Anyone who participates in providing or receiving information without malice under the provisions of this section shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from providing or receiving information.

(j) (k) No individual, association, partnership, corporation or other entity shall willfully or knowingly disclose, permit or encourage disclosure of the contents of records or reports concerning a child in need of care received by the department of social and rehabilitation services, a law enforcement agency or a juvenile intake and assessment worker except as provided by this code. Violation of this subsection is a class B misdemeanor.

Sec. 39. K.S.A. 1996 Supp. 38-1508 is hereby amended to read as follows: 38-1508. All records and reports concerning child abuse or neglect received by law enforcement agencies shall be kept separate from all other records and shall not be disclosed to anyone except:

(a) The judge and members of the court staff designated by the judge of the court having the child before it in any proceedings;

(b) the guardian *ad litem* and the parties to the proceedings and their attorneys, subject to the restrictions imposed by subsection (a)(2)(C) of K.S.A. 38-1507 and amendments thereto;

(c) the department of social and rehabilitation services;

(d) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect and specifically includes the following: Physicians, psychiatrists, ~~nurse~~ nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physician assistants, community mental health workers, alcohol and drug abuse counselors, and licensed or registered child care providers. Teachers, administrators and school paraprofessionals shall have access but shall not copy materials in the file;

(e) law enforcement officers or county or district attorneys or their staff when necessary for the discharge of their official duties in investigating or prosecuting a report of known or suspected child abuse or neglect;

(f) any member of the standing house or senate committee on judiciary, house committee on appropriations, senate committee on ways and means, legislative post audit committee and joint committee on children and families, carrying out such member's or committee's official func-

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tions; and

(g) any juvenile intake and assessment worker.

3 Sec. 40. K.S.A. 1996 Supp. 38-1522 is hereby amended to read as
4 follows: 38-1522. (a) When any of the following persons has reason to
5 suspect that a child has been injured as a result of physical, mental or
6 emotional abuse or neglect or sexual abuse, the person shall report the
7 matter promptly as provided in subsection (c) or (e): Persons licensed to
8 practice the healing arts or dentistry; persons licensed to practice optom-
9 etry; persons engaged in postgraduate training programs approved by the
10 state board of healing arts; licensed psychologists; licensed professional
11 or practical nurses examining, attending or treating a child under the age
12 of 18; teachers, school administrators or other employees of a school
13 which the child is attending; chief administrative officers of medical care
14 facilities; registered marriage and family therapists; persons licensed by
15 the secretary of health and environment to provide child care services or
16 the employees of persons so licensed at the place where the child care
17 services are being provided to the child; licensed social workers; firefigh-
18 ters; emergency medical services personnel; mediators appointed under
19 K.S.A. 23-602 and amendments thereto; juvenile intake and assessment
20 workers; and law enforcement officers. The report may be made orally
21 and shall be followed by a written report if requested. When the suspicion
22 is the result of medical examination or treatment of a child by a member
23 of the staff of a medical care facility or similar institution, that staff mem-
24 ber shall immediately notify the superintendent, manager or other person
25 in charge of the institution who shall make a written report forthwith.
26 Every written report shall contain, if known, the names and addresses of
27 the child and the child's parents or other persons responsible for the
28 child's care, the child's age, the nature and extent of the child's injury
29 (including any evidence of previous injuries) and any other information
30 that the maker of the report believes might be helpful in establishing the
31 cause of the injuries and the identity of the persons responsible for the
32 injuries.

33 (b) Any other person who has reason to suspect that a child has been
34 injured as a result of physical, mental or emotional abuse or neglect or
35 sexual abuse may report the matter as provided in subsection (c) or (e).

36 (c) Except as provided by subsection (e), reports made pursuant to
37 this section shall be made to the state department of social and rehabil-
38 itation services. When the department is not open for business, the re-
39 ports shall be made to the appropriate law enforcement agency. On the
40 next day that the state department of social and rehabilitation services is
41 open for business, the law enforcement agency shall report to the de-
partment any report received and any investigation initiated pursuant to
subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports

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may be made orally or, on request of the department, in writing.

(d) Any person who is required by this section to report an injury to a child and who knows of the death of a child shall notify immediately the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services ~~for the commissioner of juvenile justice~~ shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services ~~for the juvenile justice authority~~ shall be made to the appropriate law enforcement agency.

SRS request

(f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

(g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

Sec. 41. K.S.A. 1995 Supp. 38-1602, as amended by section 41 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

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

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

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

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

(3) a person whose prosecution as an adult is authorized pursuant to K.S.A. 38-1636 and amendments thereto: *and whose prosecution results in the conviction of an adult crime.*

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

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

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which

is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

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

6 (g) "Juvenile correctional facility" means a facility operated by the
7 commissioner for juvenile offenders.

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

11 (i) "Commissioner" means the commissioner of juvenile justice.

12 (j) "Jail" means:

13 (1) An adult jail or lockup; or

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

24 (k) "Court-appointed special advocate" means a responsible adult,
25 other than an attorney appointed pursuant to K.S.A. 38-1606 and amend-
26 ments thereto, who is appointed by the court to represent the best inter-
27 ests of a child, as provided in K.S.A. ~~1995~~ 1996 Supp. 38-1606a, and
28 amendments thereto, in a proceeding pursuant to this code.

29 (l) "Juvenile intake and assessment worker" means a responsible
30 adult authorized to perform intake and assessment services as part of the
31 intake and assessment system established pursuant to ~~section 5~~ K.S.A.
32 1996 Supp. 76-3202, and amendments thereto.

33 (m) "Institution" means the following institutions: The *Atchison* ju-
34 venile correctional facility at ~~Atchison~~, the *Beloit* juvenile correctional
35 facility at ~~Beloit~~, the *Larned* juvenile correctional facility at ~~Larned~~, the
36 juvenile correctional facility at *Osawatomie* and the *Topeka* juvenile cor-
37 rectional facility at ~~Topeka~~.

38 (n) "Sanction house" means a facility which is operated or structured
39 so as to ensure that all entrances and exits from the facility are under the
40 exclusive control of the staff of the facility, whether or not the person
41 being detained has freedom of movement within the perimeters of the
facility, or which relies on locked rooms and buildings, fences, or physical
restraint in order to control behavior of its residents. Upon an order from

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the court, a licensed juvenile detention facility may serve as a sanction house. A sanction house may be physically connected to a nonsecure shelter facility provided the sanction house is not a licensed juvenile detention facility.

Sec. 42. On and after January 1, 1998, K.S.A. 1995 Supp. 38-1602, as amended by section 41 of this act, is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

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

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

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

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

(3) a person whose prosecution as an adult is authorized pursuant to K.S.A. 38-1636 and amendments thereto and whose prosecution results in the conviction of an adult crime; or

(4) a person who has been found to be an extended jurisdiction juvenile pursuant to subsection (a)(2) of K.S.A. 38-1636, and amendment thereto, and whose stay of adult sentence execution has been revoked.

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

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

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

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

(g) "Juvenile correctional facility" means a facility operated by the commissioner for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into cus-

(o) "Juvenile offender risk assessment tool" means an instrument administered to juvenile offenders which delivers a score, or group of scores, describing, but not limited to describing, the juvenile's potential risk to the community. [Mark Gleeson, OJA request]

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tody the juvenile named or described therein.

(i) "Commissioner" means the commissioner of juvenile justice.

(j) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building as an adult jail or lockup, unless the facility meets all applicable licensure requirements under law and there is (A) total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(k) "Court-appointed special advocate" means a responsible adult, other than an attorney appointed pursuant to K.S.A. 38-1606 and amendments thereto, who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 1996 Supp. 38-1606a, and amendments thereto, in a proceeding pursuant to this code.

(l) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 1996 Supp. 76-3202, and amendments thereto.

(m) "Institution" means the following institutions: The Atchison juvenile correctional facility, the Beloit juvenile correctional facility, the Larned juvenile correctional facility and the Topeka juvenile correctional facility.

(n) "Sanction house" means a facility which is operated or structured so as to ensure that all entrances and exists form the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents. Upon an order from the court, a licensed juvenile detention facility may serve as a sanction house. A sanction house may be physically connected to a nonsecure shelter facility provided the sanction house is not a licensed juvenile detention facility.

Sec. 43. K.S.A. 38-1604, as amended by section 42 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1604. (a) Except as provided in K.S.A. 38-1636 and 21-3611 and amendments thereto, proceedings concerning a juvenile who appears to be a juvenile offender shall be governed by the provisions of this code.

(b) The district court shall have original jurisdiction to accept and

(o) "Juvenile offender risk assessment tool" means an instrument administered to juvenile offenders which delivers a score, or group of scores, describing, but not limited to describing, the juvenile's potential risk to the community. [Mark Gleeson, OJA request]

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determine proceedings under this code.

(c) When jurisdiction is acquired by the district court over an alleged juvenile offender it may continue until the juvenile (1) : (1) Sixty days after sentencing, if the juvenile is committed to the custody of the commissioner pursuant to subsection (c) of K.S.A. 38-1665, and amendments thereto; (2) if directly committed to a juvenile correctional facility, the juvenile has attained the age of 23 years; unless an adult sentence is imposed pursuant to an extended jurisdiction juvenile prosecution. If such adult sentence is imposed, jurisdiction shall continue until discharged by the court or other process for the adult sentence; (2) (3) the juvenile has been discharged by the court; or (3) (4) the juvenile has been discharged under the provisions of K.S.A. 38-1675, and amendments thereto.

and the child in need of care code shall be suspended during the time the juvenile justice code applies for such juvenile [Helen Pedigo, Youth Center attorney]

(d) If a juvenile has been adjudicated to be a juvenile offender and a child in need of care, the juvenile justice code shall apply to such juvenile. ~~Nothing in this subsection shall preclude such juvenile from accessing services provided by the department of social and rehabilitation services pursuant to the child in need of care code if the judge determines it would be in the best interest of such juvenile.~~

SRS request

(d) (e) The provisions of this code shall govern with respect to acts done on or after July 1, 1997.

Sec. 44. On and after January 1, 1998, K.S.A. 38-1604, as amended by section 43 of this act, is hereby amended to read as follows: 38-1604.

(a) Except as provided in K.S.A. 38-1636 and 21-3611 and amendments thereto, proceedings concerning a juvenile who appears to be a juvenile offender shall be governed by the provisions of this code.

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

(c) When jurisdiction is acquired by the district court over an alleged juvenile offender it may continue until : (1) Sixty days after sentencing, if the juvenile is committed to the custody of the commissioner pursuant to subsection (c) of K.S.A. 38-1665, and amendments thereto; (2) if directly committed to a juvenile correctional facility, the juvenile has attained the age of 23 years, unless an adult sentence is imposed pursuant to an extended jurisdiction juvenile prosecution. If such adult sentence is imposed, jurisdiction shall continue until discharged by the court or other process for the adult sentence; (3) the juvenile has been discharged by the court; or (4) the juvenile has been discharged under the provisions of K.S.A. 38-1675, and amendments thereto.

(d) If a juvenile has been adjudicated to be a juvenile offender and a child in need of care, the juvenile justice code shall apply to such juvenile. Nothing in this subsection shall preclude such juvenile from accessing services provided by the department of social and rehabilitation services pursuant to the child in need of care code if the judge determines it would

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and date for trial to the court.

(e) *Pretrial hearings may be conducted by two-way electronic audio-video communication between the alleged juvenile offender and the judge in lieu of personal presence of the juvenile or the juvenile's counsel in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's counsel during such proceedings or counsel may be personally present in court as long as a means of communication between the juvenile and the juvenile's counsel is available for consultation between the juvenile and the juvenile's counsel in confidence.*

Sec. 53. K.S.A. 1995 Supp. 38-1635, as amended by section 66 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1635. (a) Except as provided in subsection (b), each ~~court~~ county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a respondent may avoid prosecution as a juvenile offender. In addition to the ~~court~~ county or district attorney adopting policies and guidelines for the immediate intervention programs, the court, the county or district attorney and the director of the intake and assessment center, pursuant to a written agreement, may develop local programs to:

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

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

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

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

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

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

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

6 (2) a violation of an off-grid crime, a person felony, or a felony or
7 misdemeanor committed when the respondent ~~(was in possession of a~~
8 ~~deadly weapon)~~

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

17 (d) The ~~court~~ county or district attorney may require the parent or
18 guardian of a juvenile offender to be a part of the immediate intervention
19 program for the juvenile offender.

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

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

28 Sec. 54. K.S.A. 38-1636, as amended by section 67 of chapter 229 of
29 the 1996 Session Laws of Kansas, is hereby amended to read as follows:
30 38-1636. (a) (1) Except as provided further, at any time after commence-
31 ment of proceedings under this code against a respondent and prior to
32 entry of a sentence or the beginning of an evidentiary hearing at which
33 the court may enter a sentence as provided in K.S.A. 38-1655, and amend-
34 ments thereto, the county or district attorney may file a motion requesting
35 that the court authorize prosecution of the respondent as an adult under
36 the applicable criminal statute. The respondent shall be presumed to be
37 a juvenile unless good cause is shown to prosecute the respondent as an
38 adult.

39 (2) At any time after commencement of proceedings under this code
40 against a respondent who was: (A) 14, 15, 16 or 17 years of age at the
41 time of the offense or offenses alleged in the complaint, if any such of-
42 fense (i) if committed by an adult, would be an offgrid offense, a person
43 felony, a nondrug severity level 1 through 6 felony or any drug severity

used a deadly weapon in the commission of such
crime [Helen Pedigo, Youth Center attorney]

immediate [Revisor's technical amendment]

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3 level 1 or 2 felony; or (ii) was committed while in possession of a firearm;
4 or (B) charged with a felony or with more than one offense of which one
5 or more is a felony after having been adjudicated or convicted in a sep-
6 arate prior juvenile proceeding as having committed an act which would
7 constitute a felony if committed by an adult and the adjudications or
8 convictions occurred prior to the date of the commission of the new act
9 charged and prior to the entry of a sentence or the beginning of an evi-
10 dentiary hearing at which the court may enter a sentence as provided in
11 K.S.A. 38-1655, and amendments thereto, the county or district attorney
12 may file a motion requesting that the court authorize prosecution of the
13 respondent as an adult under the applicable criminal statute. The re-
14 spondent shall be presumed to be an adult. The burden of proof is on
15 the respondent to rebut the presumption.

16 (3) ~~At any time after commencement of proceedings under this code~~
17 ~~against a respondent and prior to entry of a sentence or the beginning of~~
18 ~~an evidentiary hearing at which the court may enter a sentence as pro-~~
19 ~~vided in K.S.A. 38-1655, and amendments thereto, the county or district~~
20 ~~attorney may file a motion requesting that the court designate the pro-~~
21 ~~ceedings as an extended jurisdiction juvenile prosecution as provided fur-~~
22 ~~ther. If the county or district attorney files a motion to designate the~~
23 ~~proceedings as an extended jurisdiction juvenile prosecution and the re-~~
24 ~~spondent was: (A) charged with an offense (i) if committed by an adult,~~
25 ~~would be an offgrid felony; a person felony; a severity level 1 through 6~~
26 ~~felony or any drug severity level 1 or 2 felony; or (ii) was committed while~~
27 ~~in possession of a firearm; or (B) charged with a felony or with more than~~
28 ~~one offense of which one or more is a felony after having been adjudicated~~
29 ~~or convicted in a separate prior juvenile proceeding as having committed~~
30 ~~an act which would constitute a felony is committed by an adult and the~~
31 ~~adjudications or convictions occurred prior to the date of the commission~~
32 ~~of the new act charged, the burden of proof is on the respondent to rebut~~
33 ~~the designation of an extended jurisdiction juvenile prosecution.~~

34 (b) The motion may also contain a statement that the prosecuting
35 attorney will introduce evidence of the offenses alleged in the complaint
36 and request that, on hearing the motion and authorizing prosecution as
37 an adult ~~or designating the proceedings as an extended jurisdiction ju-~~
38 ~~venile prosecution under this code~~, the court may make the findings re-
39 quired in a preliminary examination provided for in K.S.A. 22-2902, and
40 amendments thereto, and the finding that there is no necessity for further
41 preliminary examination.

(c) Upon receiving a motion as established in subsection (a), the court
shall set a time and place for hearing on the motion. The court shall give
notice of the hearing to the respondent, each parent of the respondent,
if service is possible, and the attorney representing the respondent. The

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1 motion shall be heard and determined prior to any further proceedings
2 in the complaint.

3 (d) If the respondent fails to appear for hearing on a motion as es-
4 tablished in subsection (a) after having been properly served with notice
5 of the hearing, the court may hear and determine the motion in the
6 absence of the respondent. If the court is unable to obtain service of
7 process and give notice of the hearing, the court may hear and determine
8 the motion in the absence of the respondent after having given notice of
9 the hearing once a week for two consecutive weeks in a newspaper au-
10 thorized to publish legal notices in the county where the hearing will be
11 held.

12 (e) In determining whether or not prosecution as an adult should be
13 authorized ~~or designating the proceeding as an extended jurisdiction ju-~~
14 ~~venile prosecution~~, the court shall consider each of the following factors:
15 (1) The seriousness of the alleged offense and whether the protection of
16 the community requires prosecution as an adult ~~or designating the pro-~~
17 ~~ceeding as an extended jurisdiction juvenile prosecution~~; (2) whether the
18 alleged offense was committed in an aggressive, violent, premeditated or
19 willful manner; (3) whether the offense was against a person or against
20 property, greater weight being given to offenses against persons, espe-
21 cially if personal injury resulted; (4) the number of alleged offenses un-
22 adjudicated and pending against the respondent; (5) the previous history
23 of the respondent, including whether the respondent had been adjudi-
24 cated a juvenile offender under this code and, if so, whether the offenses
25 were against persons or property, and any other previous history of an-
26 tisocial behavior or patterns of physical violence; (6) the sophistication or
27 maturity of the respondent as determined by consideration of the res-
28 pondent's home, environment, emotional attitude, pattern of living or
29 desire to be treated as an adult; (7) whether there are facilities or pro-
30 grams available to the court which are likely to rehabilitate the respondent
31 prior to the expiration of the court's jurisdiction under this code; and (8)
32 whether the interests of the respondent or of the community would be
33 better served by criminal prosecution ~~or extended jurisdiction juvenile~~
34 ~~prosecution~~. The insufficiency of evidence pertaining to any one or more
35 of the factors listed in this subsection shall not in and of itself be deter-
36 minative of the issue. Subject to the provisions of K.S.A. 38-1653, and
37 amendments thereto, written reports and other materials relating to the
38 respondent's mental, physical, educational and social history may be con-
39 sidered by the court.

40 (f) ~~(1)~~ The court may authorize prosecution as an adult upon com-
41 pletion of the hearing if the court finds that there is substantial evidence
42 that the respondent should be prosecuted as an adult for the offense with
43 which the respondent is charged. In that case, the court shall direct the

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respondent be prosecuted under the applicable criminal statute and that the proceedings filed under this code be dismissed.

(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the respondent has failed to rebut the presumption or the court finds that there is substantial evidence that the respondent should be prosecuted under an extended jurisdiction juvenile prosecution. A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure.

(g) If the respondent is present in court and the court also finds from the evidence that it appears a felony has been committed and that there is probable cause to believe the felony has been committed by the respondent, the court may direct that there is no necessity for further preliminary examination on the charges as provided for in K.S.A. 22-2902, and amendments thereto. In that case, the court shall order the respondent bound over to the district judge having jurisdiction to try the case.

(h) If the respondent is convicted, the authorization for prosecution as an adult may shall attach and apply to any future acts by the respondent which are or would be cognizable under this code if the order of the court so provides.

(i) If the respondent is prosecuted as an adult under subsection ~~(f)(1)~~ and convicted of a lesser included offense that is not an offense listed in subsection (a)(2), the respondent shall be a juvenile offender and receive a sentence pursuant to K.S.A. 38-1663, and amendments thereto.

(a)(2) and is not convicted in adult court of [John Fritz, Johnson County Assistant District Attorney request]

Sec. 55. On and after January 1, 1998, K.S.A. 38-1636, as amended by section 54 of this act is hereby amended to read as follows: 38-1636.

(a) (1) Except as provided further, at any time after commencement of proceedings under this code against a respondent and prior to entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute. The respondent shall be presumed to be a juvenile unless good cause is shown to prosecute the respondent as an adult.

(2) At any time after commencement of proceedings under this code against a respondent who was: (A) 14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint, if any such offense (i) if committed by an adult, would be an offgrid offense, a person felony, a nondrug severity level 1 through 6 felony or any drug severity level 1 or 2 felony; or (ii) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense of which one

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or more is a felony after having been adjudicated or convicted in a separate prior juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged and prior to the entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute. The respondent shall be presumed to be an adult. The burden of proof is on the respondent to rebut the presumption.

(3) *At any time after commencement of proceedings under this code against a respondent and prior to entry of a sentence or the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 38-1655, and amendments thereto, the county or district attorney may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution as provided further. If the county or district attorney files a motion to designate the proceedings as an extended jurisdiction juvenile prosecution and the respondent was (A) charged with an offense (i) if committed by an adult, would be an offgrid felony, a person felony, a nondrug severity level 1 through 6 felony or any drug severity level 1 or 2 felony; or (ii) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated or convicted in a separate prior juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged, the burden of proof is on the respondent to rebut the designation of an extended jurisdiction juvenile prosecution.*

(b) The motion may also contain a statement that the prosecuting attorney will introduce evidence of the offenses alleged in the complaint and request that, on hearing the motion and authorizing prosecution as an adult or designating the proceedings as an extended jurisdiction juvenile prosecution under this code, the court may make the findings required in a preliminary examination provided for in K.S.A. 22-2902, and amendments thereto, and the finding that there is no necessity for further preliminary examination.

(c) Upon receiving a motion as established in subsection (a), the court shall set a time and place for hearing on the motion. The court shall give notice of the hearing to the respondent, each parent of the respondent, if service is possible, and the attorney representing the respondent. The motion shall be heard and determined prior to any further proceedings

14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint and [John Fritz, Johnson County Assistant District Attorney request]

In all other motions requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution, the respondent is presumed to be a juvenile. The burden of proof is on the prosecutor to prove the respondent should be designated as an extended jurisdiction juvenile. [John Fritz, Johnson County Assistant District Attorney request]

on the complaint.

3 (d) If the respondent fails to appear for hearing on a motion as es-
4 tablished in subsection (a) after having been properly served with notice
5 of the hearing, the court may hear and determine the motion in the
6 absence of the respondent. If the court is unable to obtain service of
7 process and give notice of the hearing, the court may hear and determine
8 the motion in the absence of the respondent after having given notice of
9 the hearing once a week for two consecutive weeks in a newspaper au-
10 thorized to publish legal notices in the county where the hearing will be
held.

11 (e) In determining whether or not prosecution as an adult should be
12 authorized or *designating the proceeding as an extended jurisdiction ju-*
13 *venile prosecution*, the court shall consider each of the following factors:

14 (1) The seriousness of the alleged offense and whether the protection of
15 the community requires prosecution as an adult or *designating the pro-*
16 *ceeding as an extended jurisdiction juvenile prosecution*; (2) whether the
17 alleged offense was committed in an aggressive, violent, premeditated or
18 willful manner; (3) whether the offense was against a person or against
19 property, greater weight being given to offenses against persons, espe-
20 cially if personal injury resulted; (4) the number of alleged offenses un-
21 adjudicated and pending against the respondent; (5) the previous history
22 of the respondent, including whether the respondent had been adjudi-
23 cated a juvenile offender under this code and, if so, whether the offenses
24 were against persons or property, and any other previous history of an-
25 tisocial behavior or patterns of physical violence; (6) the sophistication or
26 maturity of the respondent as determined by consideration of the res-
27 pondent's home, environment, emotional attitude, pattern of living or
28 desire to be treated as an adult; (7) whether there are facilities or pro-
29 grams available to the court which are likely to rehabilitate the respondent
30 prior to the expiration of the court's jurisdiction under this code; and (8)
31 whether the interests of the respondent or of the community would be
32 better served by criminal prosecution or *extended jurisdiction juvenile*
33 *prosecution*. The insufficiency of evidence pertaining to any one or more
34 of the factors listed in this subsection shall not in and of itself be deter-
35 minative of the issue. Subject to the provisions of K.S.A. 38-1653, and
36 amendments thereto, written reports and other materials relating to the
37 respondent's mental, physical, educational and social history may be con-
38 sidered by the court.

39 (f) (1) The court may authorize prosecution as an adult upon com-
40 pletion of the hearing if the court finds that there is substantial evidence
41 that the respondent should be prosecuted as an adult for the offense with
42 which the respondent is charged. In that case, the court shall direct the
respondent be prosecuted under the applicable criminal statute and that

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the proceedings filed under this code be dismissed.

(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the respondent has failed to rebut the presumption or the court finds that there is substantial evidence that the respondent should be prosecuted under an extended jurisdiction juvenile prosecution. A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure.

(g) If the respondent is present in court and the court also finds from the evidence that it appears a felony has been committed and that there is probable cause to believe the felony has been committed by the respondent, the court may direct that there is no necessity for further preliminary examination on the charges as provided for in K.S.A. 22-2902, and amendments thereto. In that case, the court shall order the respondent bound over to the district judge having jurisdiction to try the case.

(h) If the respondent is convicted, the authorization for prosecution as an adult shall attach and apply to any future acts by the respondent which are or would be cognizable under this code.

(i) If the respondent is prosecuted as an adult under subsection (f)(1) and convicted of a lesser included offense that is not an offense listed in subsection (a)(2), the respondent shall be a juvenile offender and receive a sentence pursuant to K.S.A. 38-1663, and amendments thereto.

Sec. 56. K.S.A. 1996 Supp. 38-1640 is hereby amended to read as follows: 38-1640. (a) The following are criteria for determining whether to place a juvenile in a juvenile detention facility pursuant to subsection (c) of K.S.A. 38-1624 or subsection (e) of K.S.A. 38-1632, and amendments thereto:

(1) There is oral or written verification that the juvenile is a fugitive sought for an offense in another jurisdiction or that the juvenile is currently an escapee from a juvenile detention facility.

(2) The juvenile is alleged to have committed an offense which if committed by an adult would constitute a class A, B or C felony if committed prior to July 1, 1993, or would constitute an off-grid felony, a nondrug severity level 1, 2, 3, 4 or 5 felony or drug level 1, 2 or 3 felony if committed on or after July 1, 1993, or would constitute a crime described in article 35 of chapter 21 of the Kansas Statutes Annotated.

(3) The juvenile is awaiting court action on another offense which if committed by an adult would constitute a felony.

(4) The juvenile has a record of failure to appear in court or there is probable cause to believe that the juvenile will flee the jurisdiction of the court.

(5) The juvenile has a history of violent behavior toward others.

Each court shall adopt local rules to establish the basic procedures for extended juvenile jurisdiction prosecution in their jurisdictions.

(3) After a proceeding in which prosecution as an adult is requested pursuant to subsection (a)(2), and prosecution as an adult is not authorized, the court shall designate the proceedings to be an extended juvenile jurisdiction prosecution. A juvenile who is the subject of an extended juvenile jurisdiction prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure. Each court shall adopt local rules to establish the basic procedures for extended juvenile jurisdiction prosecution in their jurisdictions. [John Fritz, Johnson County Assistant District Attorney request]

(a)(2) and is not convicted in adult court of [John Fritz, Johnson County Assistant District Attorney request]

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5 (6) The juvenile exhibited seriously assaultive or destructive behavior
6 at the time of being taken into custody and continued such behavior after
7 taken into custody.

8 (7) The juvenile exhibited self-destructive behavior at the time of
9 being taken into custody and continued such behavior after taken into
10 custody.

11 (8) The juvenile has a record of adjudication or conviction of one or
12 more offenses which if committed by an adult would constitute felonies.

13 (9) The juvenile is a juvenile offender who has been expelled from
14 placement in a nonsecure facility as a result of the current alleged offense.

15 (b) This section shall be part of and supplemental to the Kansas ju-
16 venile offenders justice code.

17 Sec. 57. K.S.A. 38-1661, as amended by section 79 of chapter 229 of
18 the 1996 Session Laws of Kansas, is hereby amended to read as follows:

19 38-1661. (a) Prior to a sentencing hearing, the court shall request an
20 investigation and report by a court services officer unless the court finds
21 that adequate and current information is available from a previous inves-
22 tigation, report or other sources. Upon request of the prosecuting attor-
23 ney or the attorney for the respondent, the court shall make available to
24 the attorney the report of the investigation and shall allow the attorney a
25 reasonable time to review the report before ordering the sentencing of
26 the respondent. ~~As part of the investigation the commissioner of juvenile~~
27 ~~justice shall designate a risk assessment tool to be used statewide. Such~~
28 ~~assessment tool shall be completed prior to sentencing, be made available~~
29 ~~to the commissioner and be utilized by the court in determining sentenc-~~
30 ~~ing.~~

31 (b) The court may direct that the investigation include the circum-
32 stances of the offense; the attitude of the complainant, victim or the vic-
33 tim's family; and the record of juvenile offenses, the social history and
34 the present condition of the respondent. Except where specifically pro-
35 hibited by law, all local governmental public and private educational in-
36 stitutions and state agencies shall furnish to the officer conducting the
37 predispositional investigation the records the officer requests. If ordered
38 by the court, the predispositional investigation shall include a physical
39 examination and mental examination of the respondent if sufficient re-
40 ports are not already available to the investigating officer. Predispositional
41 investigations shall contain other information prescribed by the court.

42 (c) At any time after the respondent has been adjudicated to be a
43 juvenile offender and prior to sentencing, the judge, at the request of an
44 interested party, shall hear additional evidence as to proposals for rea-
45 sonable and appropriate sentencing of the case.

46 Sec. 58. K.S.A. 38-1662, as amended by section 80 of chapter 229 of
47 a 1996 Session Laws of Kansas, is hereby amended to read as follows:

Sec. ____ K.S.A. 1995 Supp. 38-1652, as amended by section 73 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1652. (a) The hearing shall be open to the public as to any respondent 16 or more years of age at the time of the alleged offense or as to any respondent less than 16 years of age at the time of the alleged offense except if the judge determines that opening the hearing to the public is not in the best interest of such respondent who is less than 16 years of age.

(b) If the court determines that opening the court proceedings to the public is not in the best interest of the respondent, the court may exclude all persons except the respondent, the respondent's parents, attorneys for interested parties, officers of the court, the witness testifying and the victim, as defined in subsection (b) of K.S.A. 74-7333 and amendments thereto or such members of the victim's family, as defined in subsection (b)(2) of K.S.A. 74-7335 and amendments thereto as the court deems appropriate. Upon agreement of all interested parties, the court shall allow other persons to attend the hearing unless the court finds the presence of the persons would be disruptive to the proceedings.

(c) As used in this section, "hearings" shall include detention, first appearance, adjudicatory, sentencing and all other hearings held under this code. [John Fritz, Johnson County Assistant District Attorney request]

judicial administrator

and be used

The commissioner shall have access to completed risk assessment tools. [Mark Gleeson, OJA request]

8-1662. (a) *Psychological or emotional*. Following the juvenile being adjudged to be a juvenile offender under this code the court may order an evaluation and written report of the psychological or emotional development or needs of the juvenile offender. ~~The court may refer the juvenile offender to a state institution for the evaluation if the commissioner advises the court that the facility is a suitable place to care for, treat or evaluate the juvenile offender and that space is available. The expenses of transportation to and from the state facility may be paid as a part of the expenses of the proceedings.~~ The juvenile offender may be referred to a mental health center or a qualified professional for the evaluation, and the expenses of the evaluation may be considered as expenses of the proceedings and assessed as provided in this code. If the court orders an evaluation as provided in this section, a parent of the juvenile offender shall have the right to obtain an independent evaluation at the expense of the parent.

(b) *Medical*. Following the juvenile being adjudged to be a juvenile offender under this code, the court may order an examination and report of the medical condition and needs of the juvenile offender who is the subject of the proceedings. The court may also order a report from any physician who has been attending the juvenile offender stating the diagnosis, condition and treatment afforded the juvenile offender.

(c) *Educational*. The court may order the chief administrative officer of the school which the juvenile offender attends or attended to provide to the court information that is readily available which the school officials feel would properly indicate the educational needs of the juvenile offender. The order may direct that the school conduct an educational needs assessment of the juvenile offender and send a report thereof to the court. The educational needs assessment may include a meeting involving any of the following: (1) The juvenile offender's parents, (2) the juvenile offender's teacher or teachers, (3) the school psychologist, (4) a school special services representative, (5) a representative of the commissioner, (6) the juvenile offender's C.A.S.A., (7) the juvenile offender's foster parents or legal guardian and (8) other persons that the chief administrative officer of the school, or the officer's designee, deems appropriate.

Sec. 59. K.S.A. 1995 Supp. 38-1663, as amended by section 81 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1663. (a) When a respondent has been adjudged to be a juvenile offender, the judge may select from the following alternatives:

(1) Place the juvenile offender on probation for a fixed period, subject to the terms and conditions the court deems appropriate, including a requirement of making restitution as required by subsection (d).

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3 (2) Place the juvenile offender in the custody of a parent or other
4 itable person, subject to the terms and conditions the court orders,
5 including a requirement of making restitution as required by subsection
6 (d).

7 (3) Place the juvenile offender in the custody of a youth residential
8 facility, subject to the terms and conditions the court orders.

9 (4) Place the juvenile offender in the custody of the commissioner.

10 (5) Impose any appropriate combination of subsections (a)(1) and (2),
11 subsection (a)(3) or subsection (a)(4) and make other orders directed to
12 the juvenile offender as the court deems appropriate.

13 (6) ~~Commit the juvenile offender to a sanctions house for a period no
14 longer than 30 days.~~

15 (7) ~~Commit the juvenile offender, if 18 years of age or less than 23
16 years of age, to the county jail for a period no longer than seven days and
17 only when the juvenile offender has violated probation.~~

18 (8) ~~Commit the juvenile offender, if 13 years of age or older, to
19 a juvenile correctional facility if the juvenile offender:~~

20 (A) ~~Has previously been adjudged as a juvenile offender under this
21 code or as a delinquent or miscreant under the Kansas juvenile code; or~~

22 (B) ~~has been adjudicated a juvenile offender as a result of having
23 committed an act which, if done by a person 18 years of age or over,
24 would constitute a class A, B or C felony as defined by the Kansas criminal
25 code or, if done on or after July 1, 1993, would constitute an off-grid
26 crime or a nondrug crime ranked in severity level 1 through 5 or a drug
27 crime ranked in severity level 1 through 3.~~

28 (9) ~~Place the juvenile offender under a house arrest program ad-
29 ministered by the court pursuant to K.S.A. 21-4603b and amendments
30 thereto.~~

31 (b) (1) In addition to any other order authorized by this section, the
32 court may order the: (A) Juvenile offender and the parents of the juvenile
33 offender to:

34 (i) Attend counseling sessions as the court directs; or

35 (ii) participate in mediation as the court directs. Participants in such
36 mediation may include, but shall not be limited to, the victim, the juvenile
37 offender and the juvenile offender's parents. Mediation shall not be man-
38 datory for the victim;

39 (B) parents of the juvenile offender to participate in parenting classes;

40 or
41 (C) juvenile offender to successfully participate in a program of ed-
42 ucation offered by a local board of education including placement in an
43 alternative educational program approved by a local board of education.

44 (2) Upon entering an order requiring a juvenile offender's parent to
45 and counseling sessions or mediation, the court shall give the parent

and only when the juvenile offender has violated
probation [Helen Pedigo, Youth Center attorney
request]

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

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

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

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudged

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o be a juvenile offender, as provided in subsection (c)(1), the court in which such juvenile offender was adjudged to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the highways of this state. If the juvenile offender convicted is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection, such juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

(d) Whenever a juvenile offender is placed pursuant to subsection (a)(1) or (2), the court, unless it finds compelling circumstances which would render a plan of restitution unworkable, shall order the juvenile

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1 offender to make restitution to persons who sustained loss by reason of
2 the offense. The restitution shall be made either by payment of an amount
3 fixed by the court or by working for the persons in order to compensate
4 for the loss. If the court finds compelling circumstances which would
5 render a plan of restitution unworkable, the court may order the juvenile
6 offender to perform charitable or social service for organizations perform-
7 ing services for the community.

8 Nothing in this subsection shall be construed to limit a court's authority
9 to order a juvenile offender to make restitution or perform charitable or
10 social service under circumstances other than those specified by this sub-
11 section or when placement is made pursuant to subsection (a)(3) or (4).

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

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

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

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

22 (4) Imposition of a restitution order is preferable to imposition of a
23 fine.

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

28 (f) In addition to or in lieu of any other order authorized by this
29 section, if a juvenile is adjudged to be a juvenile offender by reason of a
30 violation of the uniform controlled substances act (K.S.A. 65-4101 *et seq.*
31 and amendments thereto) or K.S.A. 41-719, 41-727, 65-4152, 65-4153,
32 65-4154 or 65-4155 or K.S.A. ~~1995~~ 1996 Supp. 8-1599, and amendments
33 thereto, the court shall order the juvenile offender to submit to and com-
34 plete an alcohol and drug evaluation by a community-based alcohol and
35 drug safety action program certified pursuant to K.S.A. 8-1008 and
36 amendments thereto and to pay a fee not to exceed the fee established
37 by that statute for such evaluation, except that such evaluation may be
38 waived by the court if the court finds that the juvenile offender has suc-
39 cessfully completed an alcohol and drug evaluation, approved by the com-
40 munity-based alcohol and drug safety action program, within 12 months
41 of the offender's arrest on this offense. If such evaluation occurred more
42 than 12 months after the offender's arrest on this offense, the court shall
order the juvenile offender to resubmit to and complete such evaluation

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and program as provided herein. If the court finds that the juvenile offender and those legally liable for the offender's support are indigent, the fee may be waived. In no event shall the fee be assessed against the commissioner or the juvenile justice authority. The court may require the parent or guardian of the juvenile offender to attend such program with the juvenile offender.

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

(h) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the respondent the court may, and when custody is placed with the commissioner shall, order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the respondent. If the parent is not presently ordered to pay support for the respondent and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-16,117 and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 *et seq.* and amendments thereto for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-16,119 and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(i) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the judge's minutes.

(j) *In addition to the requirements of K.S.A. 38-1671, and amendments thereto, on or after July 1, 1997, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an act which if done by an adult would constitute the commission of a felony, the court shall forward a signed copy of the journal entry to the commissioner within 30 days of final depositton.*

Sec. 60. On and after July 1, 1999, K.S.A. 1995 Supp. 38-1663, as amended by section 59 of this act, is hereby amended to read as follows:

(k) The sentencing hearing shall be open to the public as provided in K.S.A. 38-1652, and amendments thereto. [John Fritz, Johnson County Assistant District Attorney request]

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38-1663. (a) When a respondent has been adjudged to be a juvenile offender, the judge may select from the following alternatives:

(1) Place the juvenile offender on probation for a fixed period, subject to the terms and conditions the court deems appropriate based on the juvenile justice programs in the community, including a requirement of making restitution as required by subsection (d).

(2) Place the juvenile offender in the custody of a parent or other suitable person, subject to the terms and conditions the court orders based on the juvenile justice programs in the community, including a requirement of making restitution as required by subsection (d).

(3) Place the juvenile offender in the custody of a youth residential facility, subject to the terms and conditions the court orders.

(4) Place the juvenile offender in the custody of the commissioner.

(5) Impose any appropriate combination of subsections (a)(1) and (2), subsection (a)(3) or subsection (a)(4) and make other orders directed to the juvenile offender as the court deems appropriate.

(6) Commit the juvenile offender to a sanctions house for a period no longer than 30 days.

(7) Commit the juvenile offender, if 18 years of age or less than 23 years of age, to the county jail for a period no longer than seven days and only when the juvenile offender has violated probation.

(8) Commit the juvenile offender, ~~if 13 years of age or older,~~ to a juvenile correctional facility ~~if the juvenile offender:~~

~~(A) Has previously been adjudged as a juvenile offender under this code; or~~

~~(B) has been adjudicated a juvenile offender as a result of having committed an act which, if done by a person 18 years of age or over, would constitute a class A, B or C felony as defined by the Kansas criminal code or, if done on or after July 1, 1993, would constitute an off-grid crime or a nondrug crime ranked in severity level 1 through 5 or a drug crime ranked in severity level 1 through 3 as provided by the placement matrix established in section 23, and amendments thereto.~~

(9) Place the juvenile offender under a house arrest program administered by the court pursuant to K.S.A. 21-4603b and amendments thereto.

(b) (1) In addition to any other order authorized by this section, the court may order the: (A) Juvenile offender and the parents of the juvenile offender to:

(i) Attend counseling sessions as the court directs; or

(ii) participate in mediation as the court directs. Participants in such mediation may include, but shall not be limited to, the victim, the juvenile offender and the juvenile offender's parents. Mediation shall not be mandatory for the victim;

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(B) parents of the juvenile offender to participate in parenting classes;
or

(C) juvenile offender to successfully participate in a program of education offered by a local board of education including placement in an alternative educational program approved by a local board of education.

(2) Upon entering an order requiring a juvenile offender's parent to attend counseling sessions or mediation, the court shall give the parent notice of the order. The notice shall inform the parent of the parent's right to request a hearing within 10 days after entry of the order and the parent's right to employ an attorney to represent the parent at the hearing or, if the parent is financially unable to employ an attorney, the parent's right to request the court to appoint an attorney to represent the parent. If the parent does not request a hearing within 10 days after entry of the order, the order shall take effect at that time. If the parent requests a hearing, the court shall set the matter for hearing and, if requested, shall appoint an attorney to represent the parent. The expense and fees of the appointed attorney may be allowed and assessed as provided by K.S.A. 38-1606 and amendments thereto.

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

(c) (1) If a respondent has been adjudged to be a juvenile offender, the court, in addition to any other order authorized by this section, may suspend the juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension ordered by the court shall be for a definite time period to be determined by the court. Upon suspension of a license pursuant to this subsection, the court shall require the juvenile offender to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the juvenile offender may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the juvenile offender's privilege to operate a motor vehicle is in effect. As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments

thereto. Any respondent who is adjudged to be a juvenile offender who does not have a driver's license may have such juvenile offender's driving privileges revoked. No Kansas driver's license shall be issued to a juvenile offender whose driving privileges have been revoked pursuant to this section for a definite time period to be determined by the court.

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudged to be a juvenile offender, as provided in subsection (c)(1), the court in which such juvenile offender was adjudged to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the highways of this state. If the juvenile offender convicted is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection,

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such juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

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

Nothing in this subsection shall be construed to limit a court's authority to order a juvenile offender to make restitution or perform charitable or social service under circumstances other than those specified by this subsection or when placement is made pursuant to subsection (a)(3) or (4).

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

(1) Imposition of a fine is most appropriate in cases where the juvenile offender has derived pecuniary gain from the offense.

(2) The amount of the fine should be directly related to the seriousness of the juvenile offender's offense and the juvenile offender's ability to pay.

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

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

(5) The juvenile offender's duty of payment should be limited in duration and in no event should the time necessary for payment exceed the maximum term which would be authorized if the offense had been committed by an adult.

(f) In addition to or in lieu of any other order authorized by this section, if a juvenile is adjudged to be a juvenile offender by reason of a violation of the uniform controlled substances act (K.S.A. 65-4101 *et seq.* and amendments thereto) or K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 or 65-4155 or K.S.A. 1996 Supp. 8-1599, and amendments thereto, the court shall order the juvenile offender to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established

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1 by that statute for such evaluation, except that such evaluation may be
 2 waived by the court if the court finds that the juvenile offender has suc-
 3 cessfully completed an alcohol and drug evaluation, approved by the com-
 4 munity-based alcohol and drug safety action program, within 12 months
 5 of the offender's arrest on this offense. If such evaluation occurred more
 6 than 12 months after the offender's arrest on this offense, the court shall
 7 order the juvenile offender to resubmit to and complete such evaluation
 8 and program as provided herein. If the court finds that the juvenile of-
 9 fender and those legally liable for the offender's support are indigent, the
 10 fee may be waived. In no event shall the fee be assessed against the
 11 commissioner or the juvenile justice authority. The court may require the
 12 parent or guardian of the juvenile offender to attend such program with
 13 the juvenile offender.

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

20 (h) In addition to any other order authorized by this section, if child
 21 support has been requested and the parent or parents have a duty to
 22 support the respondent the court may, and when custody is placed with
 23 the commissioner shall, order one or both parents to pay child support.
 24 The court shall determine, for each parent separately, whether the parent
 25 is already subject to an order to pay support for the respondent. If the
 26 parent is not presently ordered to pay support for the respondent and
 27 the court has personal jurisdiction over the parent, the court shall order
 28 the parent to pay child support in an amount determined under K.S.A.
 29 38-16,117 and amendments thereto. Except for good cause shown, the
 30 court shall issue an immediate income withholding order pursuant to
 31 K.S.A. 23-4,105 *et seq.* and amendments thereto for each parent ordered
 32 to pay support under this subsection, regardless of whether a payor has
 33 been identified for the parent. A parent ordered to pay child support
 34 under this subsection shall be notified, at the hearing or otherwise, that
 35 the child support order may be registered pursuant to K.S.A. 38-16,119
 36 and amendments thereto. The parent shall also be informed that, after
 37 registration, the income withholding order may be served on the parent's
 38 employer without further notice to the parent and the child support order
 39 may be enforced by any method allowed by law. Failure to provide this
 40 notice shall not affect the validity of the child support order.

41 (i) Any order issued by the judge pursuant to this section shall be in
 42 effect immediately upon entry into the judge's minutes.

(j) *In addition to the requirements of K.S.A. 38-1671, and amend-
 ments thereto, on or after July 1, 1997, if a person is under 18 years of
 age and convicted of a felony or adjudicated as a juvenile offender for an
 act which if done by an adult would constitute the commission of a felony,
 the court shall forward a signed copy of the journal entry to the commis-
 sioner within 30 days of final deposition.*

(k) The sentencing hearing shall be open to
 the public as provided in K.S.A. 38-1652, and
 amendments thereto. [John Fritz, Johnson County
 Assistant District Attorney request]

is known to the court or, if the victim is deceased, to the victim's family if the family's address is known to the court; (2) the local law enforcement agency; and (3) the school district in which the juvenile offender will be residing if the juvenile is still required to attend a secondary school. Failure to notify pursuant to this section shall not be a reason to postpone a release. Nothing in this section shall create a cause of action against the state or county or an employee of the state or county acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section.

(g) *Conditional release programs shall include, but not be limited to, the treatment options of aftercare services.*

Sec. 64. K.S.A. 38-1674, as amended by section 89 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1674. If it is alleged that a juvenile offender who has been conditionally released from a juvenile correctional facility has failed to obey the specified conditions of release, any ~~social worker or court services~~ officer assigned to supervise compliance with the conditions of release or the county or district attorney may file a motion with the committing court or the court of the county in which the juvenile offender is residing. The motion shall describe the alleged violation and request a hearing thereon. The court shall then proceed in the same manner and under the same procedure as provided for a hearing on a complaint filed under this code. If the court finds that a condition of release has been violated, the court may *modify or* impose additional conditions of release that the court considers appropriate, extend the term of the conditional release or order that the juvenile offender be returned to the juvenile correctional facility until discharged by the ~~superintendent in charge thereof by the commissioner [as determined by the placement matrix and the court's determination of the specified term of incarceration].~~

Sec. 65. K.S.A. 1995 Supp. 38-1675, as amended by section 90 of chapter 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1675. (a) ~~Unless a juvenile is sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order, and the commissioner transfers the juvenile offender to the custody of the secretary of corrections,~~ When a juvenile offender has reached the age 23 years or has ~~successfully~~ completed the ~~program prescribed term of incarceration~~ at a juvenile correctional facility together with any conditional release following the program, the ~~superintendent in charge of the juvenile correctional facility commissioner~~ shall discharge the juvenile offender from any further obligation under the commitment. The discharge shall operate as a full and complete release from any obligations imposed on the juvenile offender arising from the offense for which the juvenile offender was committed.

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Sec. 65. On and after July 1, 1999, K.S.A. 38-1674, as amended by section 64 of this act, is hereby amended to read as follows:

38-1674. If it is alleged that a juvenile offender who has been conditionally released from a juvenile correctional facility has failed to obey the specified conditions of release, any officer assigned to supervise compliance with the conditions of release or the county or district attorney may file a motion with the committing court or the court of the county in which the juvenile offender is residing. The motion shall describe the alleged violation and request a hearing thereon. The court shall then proceed in the same manner and under the same procedure as provided for a hearing on a complaint filed under this code. If the court finds that a condition of release has been violated, the court may modify or impose additional conditions of release that the court considers appropriate, extend the term of the conditional release or order that the juvenile offender be returned to the juvenile correctional facility until discharged by the by the commissioner as determined by the placement matrix and the court's determination of the specified term of incarceration.

Renumber remaining sections. [Revisor's technical amendment]

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on a plea of guilty or *nolo contendere*, the respondent shall be deemed adjudicated to be a juvenile offender. On remand the district court shall proceed with sentencing.

(b) *Orders of adjudgment and sentencing.* An appeal may be taken by a respondent from an order of such respondent being adjudged to be a juvenile offender or sentencing, or both. The appeal shall be taken after, but within 10 days of, the entry of the sentence.

(c) *Priority.* Appeals under this section shall have priority over other cases except those having statutory priority.

Sec. 70. K.S.A. 1996 Supp. 38-1692 is hereby amended to read as follows: 38-1692. (a) As used in this section:

(1) "Adjudicated person" means a person adjudged to be a juvenile offender or a juvenile felon or a person not adjudicated because of mental disease or defect.

(2) "Laboratory confirmation of HIV infection" means positive test results from a confirmation test approved by the secretary of health and environment.

(3) "Sexual act" means contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva or the mouth and the anus. For purposes of this definition contact involving the penis occurs upon penetration, however slight.

(4) "Test for HIV infection" means a test approved by the secretary of health and environment to detect the etiologic agent for the disease acquired immune deficiency syndrome.

(5) "Body fluids" means blood, semen or vaginal secretions or any body fluid visibly contaminated with blood.

(b) At the time of the first appearance before the court of a person charged with an offense involving a sexual act committed while the person was a juvenile, or in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved, the judge shall inform the person or the parent or legal guardian of the person of the availability of testing for HIV infection and counseling and shall cause each alleged victim of the offense, if any, to be notified that testing for HIV infection and counseling is available.

(c) If the victim of the offense requests the court to order infectious disease tests of the alleged offender or if the person charged with the offense stated to law enforcement officers that the person charged with the offense has an infectious disease or is infected with an infectious disease, or used words of like effect, the court shall order the person charged with the offense to submit to infectious disease tests as defined in K.S.A. 65-6001 and amendments thereto.

(d) For any offense by an adjudicated person which the court determines, from the facts of the case, involved or was likely to have involved

Sec. . K.S.A. 38-1691, as amended by chapter 95 of Section 229 of the 1996 Session Laws of Kansas, is hereby amended to read as follows: 38-1691. (a) On and after January 1, 1993, no juvenile shall be detained or placed in any jail pursuant to the Kansas juvenile justice code except as provided by subsections (b) and (c).

(b) Upon being taken into custody, an alleged juvenile offender may be temporarily detained in a jail, in quarters with sight and sound separation from adult prisoners, for the purpose of identifying and processing the juvenile and transferring the juvenile to a youth residential facility or juvenile detention facility. If a juvenile is detained in jail under this subsection, the juvenile shall be so detained only for the minimum time necessary, not to exceed six hours, and in no case overnight.

(c) The provisions of this section do not apply to detention of:

~~(1) A juvenile with regard to whom a motion has been filed granted requesting prosecution as an adult pursuant to K.S.A. 38-1636 and amendments thereto ; or~~

~~(2) a juvenile who has been charged with or convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto.~~

(d) This section shall be part of and supplemental to the Kansas juvenile justice code.

[Helen Pedigo, Youth Center attorney request]
Renumber remaining sections accordingly.

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plished, the juvenile may remain in jail for an additional period of time, not exceeding 10 days, which is specified by the commissioner and approved by the court.

3
4 Sec. 73. K.S.A. 1996 Supp. 38-16,126 is hereby amended to read as
5 follows: 38-16,126. On and after ~~July 1, 1997~~ *January 1, 1998*:

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

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

10 (2) impose an adult criminal sentence, the execution of which shall
11 be stayed on the condition that the juvenile offender not violate the pro-
12 visions of the juvenile sentence and not commit a new offense.

13 (b) When it appears that a person convicted as an extended jurisdic-
14 tion juvenile has violated the conditions of the ~~stayed adult juvenile~~ *juvenile* sen-
15 tence ~~or is alleged to have committed a new offense~~, the court, without
16 notice, may revoke the stay and probation and direct that the juvenile
17 offender be taken into immediate custody ~~and deliver to the secretary of~~
18 ~~corrections pursuant to K.S.A. 21-4621, and amendments thereto~~. The
19 court shall notify the juvenile offender and such juvenile offender's at-
20 torney of record, in writing by ~~personal service, as provided in K.S.A. 60-~~
21 ~~303, and amendments thereto, or certified mail, return receipt requested,~~
22 ~~of the reasons alleged to exist for revocation of the stay of execution of~~
23 ~~the adult sentence. If the juvenile offender challenges the reasons, the~~
24 ~~court shall hold a hearing on the issue at which the juvenile offender is~~
25 ~~entitled to be heard and represented by counsel. After the hearing, if the~~
26 ~~court finds that reasons exist to revoke the stay of execution of the juvenile~~
27 ~~adult sentence, the court shall treat the juvenile offender as an adult,~~
28 ~~terminated juvenile jurisdiction and order any of the adult sanctions au-~~
29 ~~thorized by K.S.A. 21-4603d, and amendments thereto.]~~ *Such juvenile*
30 *offender shall be credited for time served in a juvenile correctional or*
31 *detention facility on the juvenile sentence as service on any authorized*
32 *adult sanction.*

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

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

40 Sec. 74. K.S.A. 1996 Supp. 38-16,128 is hereby amended to read as
41 follows: 38-16,128. (a) Except as provided in subsection (b), a child's
parent, parents or guardian shall be liable to repay to the commissioner
of juvenile justice, or any other person or entity who provides services

by substantial evidence that the juvenile has violated the conditions of the juvenile sentence, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered pursuant to subsection (a)(2). Upon such finding, the juvenile's extended jurisdiction status is terminated, and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court. [John Fritz, Johnson County Assistant District Attorney request]

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that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the Kansas endowment for youth trust fund for the period of time specified under this subsection net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 93. K.S.A. 1996 Supp. 75-7023 is hereby amended to read as follows: 75-7023. (a) The supreme court through administrative orders shall provide for the establishment of a juvenile intake and assessment system and for the establishment and operation of juvenile intake and assessment programs in each judicial district. On and after July 1, 1997, the secretary of social and rehabilitation services may contract with the commissioner of juvenile justice to provide for the juvenile intake and assessment system and programs for children in need of care. On and after July 1, 1997, the commissioner of juvenile justice shall promulgate rules and regulations for the juvenile intake and assessment system and programs concerning juvenile offenders.

(b) No records, reports and information obtained as a part of the juvenile intake and assessment process may be admitted into evidence in any proceeding and may not be used in a child in need of care proceeding except for diagnostic and referral purposes and by the court in considering dispositional alternatives. However, if the records, reports or information are in regard to abuse or neglect, which is required to be reported under K.S.A. 38-1522, and amendments thereto, such records, reports or information may then be used for any purpose in a child in need of care proceeding pursuant to the Kansas code for care of children.

(c) Upon a juvenile being taken into custody pursuant to K.S.A. 38-1624, and amendments thereto, a juvenile intake and assessment worker shall complete the intake and assessment process as required by supreme court administrative order or district court rule prior to July 1, 1997, or rules and regulations established by the commissioner of juvenile justice on and after July 1, 1997.

(d) In addition to any other information required by the supreme court administrative order, the secretary, the commissioner or by the district court of such district, the juvenile intake and assessment worker shall collect the following information:

- (1) A standardized risk assessment tool, such as the problem oriented screening instrument for teens;
- (2) criminal history, including indications of criminal gang involvement;
- (3) abuse history;
- (4) substance abuse history;
- (5) history of prior community services used or treatments provided;

Except as provided further,

If the commissioner contracts with the office of judicial administration to administer the juvenile intake and assessment system and programs concerning juvenile offenders, the supreme court administrative orders shall be enforce until such contract ends and the rules and regulations concerning juvenile intake and assessment system and programs concerning juvenile offenders have been adopted. [Mark Gleeson, OJA request]

except as provided above

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- (6) educational history;
- (7) medical history; and
- (8) family history.

4 (e) After completion of the intake and assessment process for such
5 child, the intake and assessment worker may:

6 (1) Release the child to the custody of the child's parent or, other
7 legal guardian or another appropriate adult if the intake and assessment
8 worker believes that it would be in the best interest of the child and it
9 would not be harmful to the child to do so.

10 (2) Conditionally release the child to the child's parent or, other legal
11 guardian or another appropriate adult if the intake and assessment worker
12 believes that if the conditions are met, it would be in the child's best
13 interest to release the child to such child's parent or, other legal guardian
14 or another appropriate adult; and the intake and assessment worker has
15 reason to believe that it might be harmful to the child to release the child
16 to such child's parents or, other legal guardian or another appropriate
17 adult without imposing the conditions. The conditions may include, but
18 not be limited to:

- 19 (A) Participation of the child in counseling;
- 20 (B) participation of members of the child's family in counseling;
- 21 (C) participation by the child, members of the child's family and other
22 relevant persons in mediation;
- 23 (D) provision of inpatient treatment for the child;
- 24 (E) referral of the child and the child's family to the secretary of social
25 and rehabilitation services for services and the agreement of the child and
26 family to accept and participate in the services offered;
- 27 (F) referral of the child and the child's family to available community
28 resources or services and the agreement of the child and family to accept
29 and ~~participation~~ participate in the services offered;
- 30 (G) requiring the child and members of the child's family to enter
31 into a behavioral contract which may provide for regular school atten-
32 dance among other requirements; or
- 33 (H) any special conditions necessary to protect the child from future
34 abuse or neglect.

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

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

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Sec. 94. K.S.A. 1996 Supp. 75-7024 is hereby amended to read as follows: 75-7024. On and after July 1, 1997, in addition to other powers and duties provided by law, in administering the provisions of the juvenile justice code, the commissioner of juvenile justice shall:

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

(1) Operations. The commissioner shall ~~oversee~~ operate the juvenile intake and assessment system as it relates to the juvenile offender; provide technical assistance and help facilitate community collaboration; license juvenile correctional facilities, programs and providers; assist in coordinating a statewide system of community based service providers; establish pilot projects for community based service providers; and operate the juvenile correctional facilities.

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

(3) Contracts. The commissioner shall secure the services of direct providers by contracting with such providers, which may include non-profit, private or public agencies, to provide functions and services needed to operate the juvenile justice authority. The commissioner shall contract with local service providers, when available, to provide 24-hour-a-day intake and assessment services. Nothing provided for herein shall prohibit local municipalities, through interlocal agreements, from corroborating with and participating in the intake and assessment services established in K.S.A. 1996 Supp. 75-7023 and amendments thereto.

(4) Performance audit. The commissioner shall randomly audit contracts to determine that service providers are performing as required pursuant to the contract.

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

(c) Administer all state and federal funds appropriated to the juvenile justice authority and may coordinate with any other agency within the executive branch expending funds appropriated for juvenile justice.

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

(e) Administer the transition to and implementation of juvenile justice system reforms.

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

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

(h) Make and enter into all contracts and agreements and do all other acts and things necessary or incidental to the performance of functions

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1 and duties and the execution of powers under this act. *The commissioner*
2 *may enter into memorandums of agreement or contractual relationships*
3 *with state agencies, other governmental entities or private providers as*
4 *necessary to carry out the commissioner's responsibilities pursuant to the*
5 *Kansas juvenile justice code.*

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

7 (j) Assign juvenile offenders placed in the commissioner's custody to
8 juvenile correctional facilities based on information collected by the re-
9 ception and diagnostic evaluation, intake and assessment report, pursuant
10 to K.S.A. 1996 Supp. 75-7023 and the predispositional investigation re-
11 port, pursuant to K.S.A. 38-1661, and amendments thereto.

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

15 (l) Assist the judicial districts in establishing community based place-
16 ment options, *juvenile* community ~~corrections~~ *correctional* services and
17 aftercare transition services for juvenile offenders.

18 (m) Review, evaluate and restructure the programmatic mission and
19 goals of the juvenile correctional facilities to accommodate greater spe-
20 cialization for each facility.

21 (n) Adopt rules and regulations as are necessary to encourage the
22 sharing of information between individuals and agencies who are involved
23 with the juvenile.

24 (o) Provide staff support to the Kansas youth authority.

25 (p) Designate in each judicial district an entity which shall be re-
26 sponsible for juvenile justice field services not provided by court services
27 officers in the judicial district. The commissioner shall contract with such
28 entity and provide grants to fund such field services.

29 ~~(q) [To oversee the construction and operation of a secure juvenile~~
30 ~~correctional facility. Such facility shall be designed to house violent,~~
31 ~~chronic and serious juvenile offenders, and to accommodate other nec-~~
32 ~~essary services and functions.~~

33 ~~(r) Monitor placement trends and minority confinement.~~

34 Sec. 95. K.S.A. 1996 Supp. 75-7025 is hereby amended to read as
35 follows: 75-7025. On and after July 1, 1997:

36 (a) The commissioner of juvenile justice may establish, maintain and
37 improve throughout the state, within the limits of funds appropriated
38 therefor and any grants or funds received from federal agencies and other
39 sources, regional youth care, evaluation and rehabilitation facilities, not
40 to exceed 10 in number, for the purpose of: (1) Providing local authorities
41 with facilities for the detention and rehabilitation of juvenile offenders,
42 including, but not limited to juvenile offenders who are 16 and 17 years
of age; (2) providing local authorities with facilities for the temporary

(r) On or before December 1, 1997, the commissioner, with the approval of the Kansas youth authority, shall develop and submit to the joint committee on corrections and juvenile justice oversight a recommendation to provide for the financial viability of the Kansas juvenile justice system. Such recommendation shall include a formula for the allocation of state funds to community programs and a rationale in support of the recommendation. Additionally, the commissioner shall submit a recommendation, approved by the Kansas youth authority, detailing capital projects and expenditures projected during the five-year period beginning July 1, 1997, including a rationale in support of such recommendation. In developing such recommendations, the commissioner shall avoid pursuing construction or expansion of state institutional capacity when appropriate alternatives to such placements are justified. The commissioner's recommendations shall identify a revenue source sufficient to appropriately fund expenditures anticipated to be incurred subsequent to expansion of community-based capacity and necessary to finance recommended capital projects.

(s) The commissioner shall report monthly to the joint committee on corrections and juvenile justice oversight. Through January 1, 1998, the commissioner shall review with the committee any contracts or memorandums of agreement which are being terminated concerning agreements with other state agencies regarding the commissioner's responsibilities. [Committee discussion]

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3 commissioner of juvenile justice as approved by the Kansas advisory
 4 group on juvenile justice and delinquency prevention. All expenditures
 5 from the juvenile detention facilities fund shall be for the retirement of
 6 debt of facilities for the detention of juveniles; or for the construction,
 7 renovation, remodeling or operational costs of facilities for the detention
 8 of juveniles in accordance with a grant program which shall be established
 9 with grant criteria designed to facilitate the expeditious award and pay-
 10 ment of grants for the purposes for which the moneys are intended. "Op-
 11 erational costs" shall not be limited to any per capita reimbursement by
 12 the ~~secretary of social and rehabilitation services~~ commissioner of juvenile
 13 justice for juveniles under the supervision and custody of the ~~secretary~~
 14 ~~commissstoner~~ but shall include payments to counties as and for their costs
 15 of operating the facility. The ~~secretary of social and rehabilitation services~~
 16 ~~commissioner of juvenile justice~~ shall make grants of the moneys credited
 17 to the juvenile detention facilities fund for such purposes to counties in
 18 accordance with such grant program. All expenditures from the juvenile
 19 detention facilities fund shall be made in accordance with appropriation
 20 acts upon warrants of the director of accounts and reports issued pursuant
 21 to vouchers approved by the ~~secretary of social and rehabilitation services~~
 22 ~~or the secretary's commissioner of juvenile justice or the commissioner's~~
 23 ~~designee.~~

22 (d) On July 1, 1994, the director of accounts and reports shall transfer
 23 all moneys in the juvenile detention facilities capital improvements fund
 24 to the juvenile detention facilities fund established pursuant to subsection
 25 (e). On July 1, 1994, all liabilities of the juvenile detention facilities capital
 26 improvements fund existing prior to such date are hereby imposed on the
 27 juvenile detention facilities fund established pursuant to subsection (e)
 28 and the juvenile detention facilities capital improvements fund is hereby
 29 abolished.

30 Sec. 109. K.S.A. 20-1a11, 21-2511, as amended by section 22 of
 31 chapter 229 of the 1996 Session Laws of Kansas, 21-3413, as amended
 32 by section 23 of chapter 229 of the 1996 Session Laws of Kansas, 21-
 33 3611, as amended by section 24 of chapter 229 of the 1996 Session Laws
 34 of Kansas, 21-3612, as amended by section 25 of chapter 229 of the 1996
 35 Session Laws of Kansas, 22-4701, as amended by section 27 of chapter
 36 229 of the 1996 Session Laws of Kansas, 28-170, as amended by section
 37 28 of chapter 229 of the 1996 Session Laws of Kansas, 38-1604, as
 38 amended by section 42 of chapter 229 of the 1996 Session Laws of Kansas,
 39 38-1610, as amended by section 50 of chapter 229 of the 1996 Session
 40 Laws of Kansas, 38-1613, as amended by section 52 of chapter 229 of the
 41 1996 Session Laws of Kansas, 38-1614, as amended by section 53 of chap-
 er 229 of the 1996 Session Laws of Kansas, 38-1618, as amended by
 action 59 of chapter 229 of the 1996 Session Laws of Kansas, 38-1632.

Insert attached new section. HB 2520, as amended by committee.

Sec. _____. (a) There is hereby created the joint committee on corrections and juvenile justice oversight which shall be within the legislative branch of state government and which shall be composed of seven members of the senate and seven members of the house of representatives.

(b) The seven senate members shall be appointed as follows:

(1) Three members shall be members of the majority party who are members of the senate committee on ways and means and shall be appointed by the president;

(2) two members shall be members of the minority party who are members of the senate committee on ways and means and shall be appointed by the minority leader;

(3) one member shall be a member of the majority party who is a member of the senate committee on judiciary and shall be appointed by the president; and

(4) one member shall be a member of the minority party who is a member of the senate committee on judiciary and shall be appointed by the minority leader.

(c) The seven representative members shall be appointed as follows:

(1) Three members shall be members of the majority party who are members of the house committee on appropriations and shall be appointed by the speaker;

(2) two members shall be members of the minority party who are members of the house committee on appropriations and shall be appointed by the minority leader;

(3) one member shall be a member of the majority party who is a member of the house committee on judiciary and shall be appointed by the speaker; and

(4) one member shall be a member of the minority party who is a member of the house committee on judiciary and shall be appointed by the minority leader.

(d) Any vacancy in the membership of the joint committee on corrections and juvenile justice oversight shall be filled by appointment in the manner prescribed by this section for the original appointment.

(e) All members of the joint committee on corrections and juvenile justice oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. During calendar years 1997 and 1999, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. During calendar years 1998 and 2000, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of

the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(f) A quorum of the joint committee on corrections and juvenile justice oversight shall be eight. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(g) The joint committee on corrections and juvenile justice oversight may meet at any time and at any place within the state on the call of the chairperson.

(h) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on corrections and juvenile justice oversight to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(i) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on corrections and juvenile justice oversight.

(j) The joint committee on corrections and juvenile justice oversight may introduce such legislation as it deems necessary in performing its functions.

(k) In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on corrections and juvenile justice oversight shall:

(1) Monitor the inmate population and review and study the programs, activities and plans of the department of corrections regarding the duties of the department of corrections that are prescribed by statute, including the implementation of expansion projects, the operation of correctional, food service and other programs for inmates, community corrections, parole and the condition and operation of the correctional institutions and other facilities under the control and supervision of the department of corrections;

(2) monitor the establishment of the juvenile justice authority and review and study the programs, activities and plans of the juvenile justice authority regarding the duties of the juvenile justice authority that are prescribed by statute, including the responsibility for the care, custody, control and rehabilitation of juvenile offenders and the condition and operation of the state juvenile correctional facilities under the control and supervision of the juvenile justice authority;

(3) review and study the adult correctional programs and activities and facilities of counties, cities and

other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders;

(4) review and study the juvenile offender programs and activities and facilities of counties, cities, school districts and other local governmental entities, including programs for the reduction and prevention of juvenile crime and delinquency, the programs and activities of private entities operating community juvenile programs and facilities and the condition and operation of local governmental residential or custodial facilities for the care, treatment or training of juvenile offenders;

(5) study the progress and results of the transition of powers, duties and functions from the department of social and rehabilitation services to the juvenile justice authority; and

(6) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

(1) The provisions of this section shall expire on January 8, 2001.

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as amended by section 64 of chapter 229 of the 1996 Session Laws of
 3 Kansas, 38-1633, as amended by section 65 of chapter 229 of the 1996
 4 Session Laws of Kansas, 38-1636, as amended by section 67 of chapter
 5 229 of the 1996 Session Laws of Kansas, 38-1640, as amended by section
 6 71 of chapter 229 of the 1996 Session Laws of Kansas, 38-1661, as
 7 amended by section 79 of chapter 229 of the 1996 Session Laws of Kansas,
 8 38-1662, as amended by section 80 of chapter 229 of the 1996 Session
 9 Laws of Kansas, 38-1672, as amended by section 87 of chapter 229 of the
 10 1996 Session Laws of Kansas, 38-1674, as amended by section 89 of chapter
 11 229 of the 1996 Session Laws of Kansas, K.S.A. 38-1681, as amended
 12 by section 93 of chapter 229 of the 1996 session laws of Kansas, 38-1611,
 13 as amended by section 97 of chapter 229 of the 1996 Session Laws of
 14 Kansas, 40-1909, as amended by section 110 of chapter 229 of the 1996
 15 Session Laws of Kansas, 72-978, as amended by section 120 of chapter
 16 229 of the 1996 Session Laws of Kansas, 74-5363, as amended by section
 17 124 of chapter 229 of the 1996 Session Laws of Kansas, 75-5291, 76-2101,
 18 as amended by section 140 of chapter 229 of the 1996 Session Laws of
 19 Kansas, 76-2101a, as amended by section 141 of chapter 229 of the 1996
 20 Session Laws of Kansas, 76-2101b, as amended by section 142 of chapter
 21 229 of the 1996 Session Laws of Kansas, 76-2125, as amended by section
 22 145 of chapter 229 of the 1996 Session Laws of Kansas, 76-2128, as
 23 amended by section 146 of chapter 229 of the 1996 Session Laws of
 24 Kansas, 76-2201, as amended by section 147 of chapter 229 of the 1996
 25 Session Laws of Kansas, 76-2201a, as amended by section 148 of chapter
 26 229 of the 1996 Session Laws of Kansas, and 76-2219, as amended by
 27 section 149 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A.
 28 1995 Supp. 38-1602, as amended by section 41 of chapter 229 of the 1996
 29 Session Laws of Kansas, 38-1608, as amended by section 48 of chapter
 30 229 of the 1996 Session Laws of Kansas, 38-1611, as amended by section
 31 51 of chapter 229 of the 1996 Session Laws of Kansas, 38-1635, as
 32 amended by section 66 of chapter 229 of the 1996 Session Laws of Kansas, 38-1663,
 33 as amended by section 81 of chapter 229 of the 1996 Session
 34 Laws of Kansas, 38-1668, as amended by section 85 of chapter 229 of the
 35 1996 Session Laws of Kansas, 38-1671, as amended by section 86 of chap-
 36 ter 229 of the 1996 Session Laws of Kansas, 38-1673, as amended by
 37 section 88 of chapter 229 of the 1996 Session Laws of Kansas, 38-1675,
 38 as amended by section 90 of chapter 229 of the 1996 Session Laws of
 39 Kansas, and 38-1676, as amended by section 91 of chapter 229 of the
 40 1996 Session Laws of Kansas, 38-1692, as amended by section 96 of chap-
 41 ter 229 of the 1996 Session Laws of Kansas, 40-19c09, as amended by
 42 section 113 of chapter 229 of the 1996 Session Laws of Kansas, 74-8810,
 43 as amended by section 126 of chapter 229 of the 1996 Session Laws of
 44 Kansas, and 74-2101, as amended by section 127 of chapter 229 of the

38-1691, as amended by chapter 95 of Section 229 of the 1996 Session Laws of Kansas,

38-1652, as amended by section 73 of chapter 229 of the 1996 Session Laws of Kansas,

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1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 21-2511, 21-3413, 28-170, 38-1507, 38-1508, 38-1522, 38-1613, 38-1614, 38-1640, 38-1692, 38-16,126, 38-16,128, 38-1808, 40-1909, 40-19c09, 72-89a02, 74-8810, 75-2935, 75-2935b, 75-6102, 75-6104, 75-6801, 75-7001, 75-7007, 75-7008, 75-7009, 75-7010, 75-7021, 75-2023, 75-7024, 75-7025, 75-7026, 75-7028, 76-6b04, 76-3201 and 79-4803 are hereby repealed.

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Sec. 110. On and after January 1, 1998, K.S.A. 38-1604, as amended by section 43 of this act, 38-1636, as amended by section 54 of this act, 38-1681, as amended by section 68 of this act, and 38-16,111, as amended by section 71 of this act, and K.S.A. 1995 Supp. 38-1602, as amended by section 41 of this act, and 38-1675, as amended by section 65 of this act, are hereby repealed.

Sec. 111. On and after July 1, 1999, K.S.A. 1995 Supp. 38-1663, as amended by section 59 of this act, ~~is hereby repealed.~~

Sec. 112. This act shall take effect and be in force from and after its publication in the statute book. _____ and 38-1674, as amended by section 64 of this act, are