

**HOUSE BILL No. 2227**

By Committee on Corrections and Juvenile Justice

Requested by Representative Martinez on behalf of Faith Martin, Lobbyist for the  
Cedric Lofton Action Planning Committee

2-4

1 AN ACT concerning children and minors; relating to the revised Kansas  
2 juvenile justice code; prohibiting the use of any prone restraint on a  
3 juvenile who is in custody at a juvenile detention facility or juvenile  
4 correctional facility or being assessed as part of the juvenile intake and  
5 assessment system; amending K.S.A. 2024 Supp. 38-2302 and  
6 repealing the existing section.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) No person shall use any prone restraint on a  
10 juvenile who is:

11 (1) In custody at a juvenile correctional facility or juvenile detention  
12 facility; or

13 (2) being assessed as part of the juvenile intake and assessment  
14 system established pursuant to K.S.A. 75-7023, and amendments thereto.

15 (b) This section shall be a part of and supplemental to the revised  
16 Kansas juvenile justice code.

17 Sec. 2. K.S.A. 2024 Supp. 38-2302 is hereby amended to read as  
18 follows: 38-2302. As used in this code, unless the context otherwise  
19 requires:

20 (a) "Commissioner" means the secretary of corrections or the  
21 secretary's designee.

22 (b) "Community supervision officer" means any officer from court  
23 services, community corrections or any other individual authorized to  
24 supervise a juvenile on an immediate intervention, probation or  
25 conditional release.

26 (c) "Conditional release" means release from a term of commitment  
27 in a juvenile correctional facility for an aftercare term pursuant to K.S.A.  
28 38-2369, and amendments thereto, under conditions established by the  
29 secretary of corrections.

30 (d) "Court-appointed special advocate" means a responsible adult,  
31 other than an attorney appointed pursuant to K.S.A. 38-2306, and  
32 amendments thereto, who is appointed by the court to represent the best  
33 interests of a child, as provided in K.S.A. 38-2307, and amendments  
34 thereto, in a proceeding pursuant to this code.

1 (e) "Detention risk assessment tool" means a risk assessment  
2 instrument adopted pursuant to K.S.A. 75-7023(f), and amendments  
3 thereto, used to identify factors shown to be statistically related to a  
4 juvenile's risk of failing to appear in court or reoffending pre-adjudication  
5 and designed to assist in making detention determinations.

6 (f) "Educational institution" means all schools at the elementary and  
7 secondary levels.

8 (g) "Educator" means any administrator, teacher or other professional  
9 or paraprofessional employee of an educational institution who has  
10 exposure to a pupil specified in K.S.A. 72-6143(a)(1) through (5), and  
11 amendments thereto.

12 (h) "Evidence-based" means practices, policies, procedures and  
13 programs demonstrated by research to produce reduction in the likelihood  
14 of reoffending.

15 (i) "Graduated responses" means a system of community-based  
16 sanctions and incentives developed pursuant to K.S.A. 75-7023(h) and 38-  
17 2392, and amendments thereto, used to address violations of immediate  
18 interventions, terms and conditions of probation and conditional release  
19 and to incentivize positive behavior.

20 (j) "Immediate intervention" means all programs or practices  
21 developed by the county to hold juvenile offenders accountable while  
22 allowing such offenders to be diverted from formal court processing  
23 pursuant to K.S.A. 38-2346, and amendments thereto.

24 (k) "Institution" means the Larned juvenile correctional facility and  
25 the Kansas juvenile correctional complex.

26 (l) "Investigator" means an employee of the department of corrections  
27 assigned by the secretary of corrections with the responsibility for  
28 investigations concerning employees at the juvenile correctional facilities  
29 and juveniles in the custody of the secretary of corrections at a juvenile  
30 correctional facility.

31 (m) "Jail" means:

32 (1) An adult jail or lockup; or

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

43 (n) "Juvenile" means a person to whom one or more of the following

1 applies, the person: (1) Is 10 or more years of age but less than 18 years of  
2 age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated as  
3 a juvenile offender and continues to be subject to the jurisdiction of the  
4 court.

5 (o) "Juvenile correctional facility" means a facility operated by the  
6 secretary of corrections for the commitment of juvenile offenders.

7 (p) "Juvenile corrections officer" means a certified employee of the  
8 department of corrections working at a juvenile correctional facility  
9 assigned by the secretary of corrections with responsibility for maintaining  
10 custody, security and control of juveniles in the custody of the secretary of  
11 corrections at a juvenile correctional facility.

12 (q) "Juvenile detention facility" means a public or private facility  
13 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes  
14 Annotated, and amendments thereto, which is used for the lawful custody  
15 of alleged or adjudicated juvenile offenders.

16 (r) "Juvenile intake and assessment worker" means a responsible  
17 adult trained and authorized to perform intake and assessment services as  
18 part of the intake and assessment system established pursuant to K.S.A.  
19 75-7023, and amendments thereto.

20 (s) "Juvenile offender" means a person who commits an offense while  
21 10 or more years of age but less than 18 years of age which if committed  
22 by an adult would constitute the commission of a felony or misdemeanor  
23 as defined by K.S.A. 21-5102, and amendments thereto, or who violates  
24 the provisions of K.S.A. 41-727, 74-8810(j) or 21-6301(a)(14), and  
25 amendments thereto, but does not include:

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

28 (2) a person 16 years of age or over who commits an offense defined  
29 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;  
30 *or*

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

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

33 (B) sentenced as an adult under the Kansas criminal code following  
34 termination of status as an extended jurisdiction juvenile pursuant to  
35 K.S.A. 38-2364, and amendments thereto; or

36 (C) convicted or sentenced as an adult in another state or foreign  
37 jurisdiction under substantially similar procedures described in K.S.A. 38-  
38 2347, and amendments thereto, or because of attaining the age of majority  
39 designated in that state or jurisdiction.

40 (t) "Law enforcement officer" means any person who by virtue of that  
41 person's office or public employment is vested by law with a duty to  
42 maintain public order or to make arrests for crimes, whether that duty  
43 extends to all crimes or is limited to specific crimes.

1 (u) "Overall case length limit" when used in relation to a juvenile  
2 adjudicated a juvenile offender means the maximum jurisdiction of the  
3 court following disposition on an individual case. Pursuant to K.S.A. 38-  
4 2304, and amendments thereto, the case and the court's jurisdiction shall  
5 terminate once the overall case length limit expires and may not be  
6 extended.

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

10 (w) "Probation" means a period of community supervision ordered  
11 pursuant to K.S.A. 38-2361, and amendments thereto, overseen by either  
12 court services or community corrections, but not both.

13 (x) *"Prone restraint" means the use of manual restraint that places a*  
14 *person in a face-down position.*

15 (y) "Reasonable and prudent parenting standard" means the standard  
16 characterized by careful and sensible parental decisions that maintain the  
17 health, safety and best interests of a child while at the same time  
18 encouraging the emotional and developmental growth of the child, that a  
19 caregiver shall use when determining whether to allow a child in foster  
20 care under the responsibility of the state to participate in extracurricular,  
21 enrichment, cultural and social activities.

22 (z) "Reintegration plan" means a written document prepared in  
23 consultation with the child's parent or guardian that:

24 (1) Describes the reintegration goal, which, if achieved, will most  
25 likely give the juvenile and the victim of the juvenile a permanent and safe  
26 living arrangement;

27 (2) describes the child's level of physical health, mental and  
28 emotional health and educational functioning;

29 (3) provides an assessment of the needs of the child and family;

30 (4) describes the services to be provided to the child, the child's  
31 family and the child's foster parents, if appropriate;

32 (5) includes a description of the tasks and responsibilities designed to  
33 achieve the plan and to whom assigned;

34 (6) includes measurable objectives and time schedules for achieving  
35 the plan; and

36 (7) if the child is in an out of home placement:

37 (A) Provides a statement for the basis of determining that  
38 reintegration is determined not to be a viable option if such a  
39 determination is made and includes a plan for another permanent living  
40 arrangement;

41 (B) describes available alternatives;

42 (C) justifies the alternative placement selected, including a  
43 description of the safety and appropriateness of such placement; and

1 (D) describes the programs and services that will help the child  
2 prepare to live independently as an adult.

3 ~~(z)~~(aa) "Risk and needs assessment" means a standardized instrument  
4 administered on juveniles to identify specific risk factors and needs shown  
5 to be statistically related to a juvenile's risk of reoffending and, when  
6 properly addressed, can reduce a juvenile's risk of reoffending.

7 ~~(aa)~~(bb) "Secretary" means the secretary of corrections or the  
8 secretary's designee.

9 ~~(bb)~~(cc) "Technical violation" means an act that violates the terms or  
10 conditions imposed as part of a probation disposition pursuant to K.S.A.  
11 38-2361, and amendments thereto, and that does not constitute a new  
12 juvenile offense or a new child in need of care violation pursuant to K.S.A.  
13 38-2202(d), and amendments thereto.

14 ~~(ee)~~(dd) "Warrant" means a written order by a judge of the court  
15 directed to any law enforcement officer commanding the officer to take  
16 into custody the juvenile named or described therein.

17 ~~(dd)~~(ee) "Youth residential facility" means any home, foster home or  
18 structure which provides 24-hour-a-day care for juveniles and which is  
19 licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of  
20 the Kansas Statutes Annotated, and amendments thereto.

21 ~~(ee)~~(ff) "Behavioral health crisis" means behavioral and conduct  
22 issues that impact the safety or health of a juvenile, members of the  
23 juvenile's household or family or members of the community, including,  
24 but not limited to, non-life threatening mental health and substance abuse  
25 concerns.

26 Sec. 3. K.S.A. 2024 Supp. 38-2302 is hereby repealed.

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