

Probable Cause Determination in Juvenile Offender Proceedings; SB 320

SB 320 incorporates a probable cause determination in juvenile offender proceedings, as follows:

- The bill raises the standard for one of the conditions for placement in a juvenile detention facility from an allegation to probable cause that the juvenile has committed an offense that would be a felony if committed by an adult;
- The bill moves the statutory provisions for detention hearings and incorporates the probable cause determination into such hearings; and
- The bill clarifies the detention hearing is an informal procedure to which the ordinary evidentiary rules do not apply, allowing the court to consider affidavits, professional reports, and representations of counsel in making the necessary findings.

If the juvenile contests that probable cause exists, the juvenile is allowed to present contrary evidence or information. If such evidence cannot reasonably be produced at the detention hearing, the juvenile is allowed to request a rehearing to contest probable cause within 14 days.

Finally, the bill amends the rules of evidence statute in the Revised Kansas Juvenile Justice Code to accommodate the relaxed evidentiary standards for detention hearings and dispositional hearings.