

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **SB 367**, as amended by Senate Committee, on page 38, in line 37, before "or" by inserting:

"(B) sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 2015 Supp. 38-2364, and amendments thereto;"

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 41, in line 17, after "if" by inserting a colon; in line 19, before "the" by inserting "(1)"; in line 23, after "limit" by inserting "; or"; in line 26, before the period by inserting "(2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code";

On page 51, in line 11, before "has" by inserting "or classification as an extended jurisdiction juvenile";

On page 57, in line 42, before "Except" by inserting "(1)";

On page 59, following line 24, by inserting:

"(2) At any time after commencement of proceedings under this code against a juvenile offender for an offense which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony, and prior to the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 2015 Supp. 38-2356, and amendments thereto, the county or district attorney or the county or district attorney's designee may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution.

(3) If the county or district attorney or the county or district attorney's designee files a motion

to designate the proceedings as an extended jurisdiction juvenile prosecution, the burden of proof is on the prosecutor to prove the juvenile should be designated as an extended jurisdiction juvenile.";

Also on page 59, in line 41, before the period by inserting "as the result of the juvenile being prosecuted under an extended jurisdiction juvenile prosecution";

On page 60, in line 9, before the comma by inserting "or designating the proceeding as an extended jurisdiction juvenile prosecution"; in line 12, before the semicolon by inserting "or designating the proceeding as an extended jurisdiction juvenile prosecution"; in line 33, before the period by inserting "or extended jurisdiction juvenile prosecution"; in line 40, before "The" by inserting "(1)";

On page 61, following line 35, by inserting:

"(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the court finds from a preponderance of the evidence that the juvenile should be prosecuted under an extended jurisdiction juvenile prosecution.

(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 may designate the proceedings to be an extended jurisdiction juvenile prosecution.

(4) 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. Each court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in such court's jurisdiction.";

On page 71, following line 12, by inserting:

"Sec. 42. K.S.A. 2015 Supp. 38-2364 is hereby amended to read as follows: 38-2364. (a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) Impose one or more juvenile sentences under K.S.A. 2015 Supp. 38-2361, and

amendments thereto; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the juvenile offender ~~not violate~~ substantially comply with the provisions of the juvenile sentence and not commit a new offense.

(b) When it appears that a person sentenced as an extended jurisdiction juvenile has violated one or more conditions of the juvenile sentence or is alleged to have committed a new offense, the court, ~~without notice, may revoke the stay and juvenile sentence and direct that the juvenile offender be immediately taken into custody and delivered to the secretary of corrections pursuant to K.S.A. 2015 Supp. 21-6712, and amendments thereto.~~ The court shall notify the juvenile offender and such juvenile offender's attorney of record, in writing by personal service, as provided in K.S.A. 60-303, and amendments thereto, or certified mail, return receipt requested, of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. ~~If the juvenile offender challenges the reasons,~~ The court shall hold a hearing on the issue at which the juvenile offender is entitled to be heard and represented by counsel. After the hearing, if the court finds by a preponderance of the evidence that the juvenile committed a new offense or violated one or more conditions of the juvenile's sentence, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered pursuant to subsection (a)(2) or, upon agreement of the county or district attorney and the juvenile offender's attorney of record, the court may modify 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. The juvenile offender shall be credited for time served in a juvenile correctional or detention facility on the juvenile sentence as service on any authorized adult sanction.

(c) Upon becoming 18 years of age, any juvenile who has been sentenced pursuant to

subsection (a) and is serving the juvenile sentence, may move for a court hearing to review the sentence. If the sentence is continued, the court shall set a date of further review in no later than 36 months.";

Also on page 71, in line 17, before the comma by inserting "or under the extended jurisdiction juvenile prosecution"; in line 26, before the comma by inserting "or under the extended jurisdiction juvenile prosecution";

On page 85, in line 31, before the period by inserting "unless the juvenile was sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order";

On page 112, in line 21, before "38-2366" by inserting "38-2364,"; in line 29, by striking "38-2364,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the second comma by inserting "38-2364,"; in line 10, by striking all after "38-2335"

Senator _____