

February 1, 2016

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 367 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 367 is respectfully submitted to your committee.

SB 367 would make amendments to the Kansas Juvenile Justice System. The bill would specify that upon adjudication as a juvenile offender, the court could impose one or more sentencing alternatives. The period of time ordered by the court could not exceed the overall case length limit. The overall case length limit would be calculated based on the adjudicated offense and the results of a risk and needs assessment as follows:

1. Offenders adjudicated for a misdemeanor could remain under the jurisdiction of the court for up to 12 months;
2. Low-risk and moderate-at risk offenders adjudicated for a felony could remain under court jurisdiction for up to 15 months; and
3. High-risk offenders adjudicated for a felony could remain under court jurisdiction for up to 18 months.

Any offender, regardless of risk level, adjudicated for a felony, which if it were committed by an adult, would constitute a severity level one through three, person felony, could be under court jurisdiction for up to 30 months. However, an offender adjudicated for a felony, that if committed by an adult, would constitute an off-grid felony, rape, aggravated criminal sodomy, or murder in the second degree could be under court jurisdiction for up to 42 months or up to 66 months, if the judge conducts a departure hearing and finds reasons to impose a departure sentence. SB 367 would make adjustments for placing juvenile offenders on probation.

The Kansas Department of Corrections (KDOC) would, in consultation with the Supreme Court, adopt rules and regulations for a statewide system of community-based graduated responses for technical violations of probation, conditional release, and violations of a condition of sentence by juveniles. The graduated responses would be utilized by community supervision officers who would provide a continuum of community-based responses.

The courts would appoint a multidisciplinary team to review cases when a juvenile fails to substantially comply with the development of an immediate intervention plan. The Supreme Court would appoint a multidisciplinary team facilitator in each judicial district. The facilitator would invite the following individuals to be part of the multidisciplinary team: the juvenile; the juvenile's parents, guardians, or custodial relative; the superintendent of schools or the superintendent's designee; a clinician who has training and experience coordinating behavioral or mental health treatment for juveniles; and any other person or agency representative who may assist in providing recommendations for the particular needs of the juvenile and family.

SB 367 would establish the Kansas Juvenile Justice Oversight Committee, which would comprise 18 members, as are specified in the bill. The committee would be appointed by January 1, 2017, and meet within 90 days after appointment and at least quarterly, when given notice by the Chairperson. The committee would select a chairperson and vice-chairperson. Ten members would be considered a quorum. The committee would have the following duties:

1. Guide and evaluate the implementation of the changes in law relating to juvenile justice reform;
2. Define performance measures and recidivism;
3. Approve a plan developed by court services and the Kansas Department of Corrections instituting a uniform process for collecting and reviewing performance measures and recidivism, costs, and outcomes of programs;
4. Consider utilizing the Kansas Criminal Justice Information System for data collection and analyses;
5. Ensure system integration and accountability;
6. Monitor the fidelity of implementation efforts to program and training efforts;
7. Calculate any state expenditures that have been avoided by reductions in the number of youth placed in out-of-home placements to recommend to the Governor and the Legislature for reinvestment of funds into;
8. Continue to review any additional topics relating to the continued improvement of the Juvenile Justice System; and

9. Adhere to the goals of the Juvenile Justice Code.

The committee would issue an annual report to the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Supreme Court by November 30 each year starting in calendar year 2017.

The bill would mandate training on evidence-based programs and practices for individuals who work with juveniles adjudicated or participating in an immediate intervention under the Kansas revised Juvenile Justice Code. The training would include community supervision officers, juvenile intake and assessment workers, juvenile correctional officers, and any individual who works with juveniles through a contracted organization providing services to juveniles. The Chief Justice of the Supreme Court would be required to designate an individual or to create a statewide entity to oversee all attorneys appointed to represent juveniles.

KDOC and the Office of Judicial Administration (OJA) would develop standards and procedures to guide the administration of an immediate intervention process and program development. When a juvenile is placed outside his or her home at a hearing and no reintegration plan is part of the record of the hearing, a written reintegration plan would be prepared and submitted to the court within 15 days. The Secretary of Corrections would promulgate rules and regulations regarding earned time calculations to determine a release date for the juvenile from the Secretary's custody.

SB 367 would establish the Kansas Juvenile Justice Improvement Fund, which would be administered by KDOC. All expenditures from the fund would be used for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families by community supervision officers. Annually on or before June 30, the Secretary of Corrections would determine the amount in each account of the State General Fund of a state agency that has been determined by the Secretary to have actual or projected cost savings as a result of cost avoidance resulting from decreased reliance on incarceration in a juvenile correctional facility and placement in youth residential centers. On July 1, the Director of Accounts and Reports would transfer the amount certified by the Secretary of Corrections to the Kansas Juvenile Justice Improvement Fund.

The Attorney General, the Kansas Law Enforcement Training Center, and the State Board of Education would promulgate rules and regulations creating skill development training for responding effectively to misconduct in school while minimizing student exposure to the Juvenile Justice System.

The OJA estimates additional expenditures of \$402,400 from the State General Fund and 3.00 additional FTE's would be needed to carry out the provisions in the bill in FY 2017. Of that amount, \$207,400 would be for salaries and wages; \$85,000 would be for the development and use of a risk-based assessment tool for juveniles; and \$110,000 would be for training expenses. OJA indicates other provisions of SB 367 would decrease some of the duties currently assumed

by certain Judicial Branch employees, but would increase the duties performed by other Judicial Branch employees.

The Kansas Department for Children and Families indicates that the annual cost for each child in foster care is \$25,000, including \$21,400 from the State General Fund. The Department was not able to obtain an estimate of how many additional children would come into custody.

The Attorney General states additional expenditures of \$2,500 from the State General Fund would be needed in FY 2017 if SB 367 is enacted. The additional expenditures would be for other operating expenditures for supplies and travel to comply with the provisions in the bill.

The Kansas Department of Education would require additional State General Fund expenditures of \$90,102 in FY 2017 to implement its provisions of the bill. Of that amount, \$81,602 would be for an additional 1.00 FTE position to coordinate the bill's provisions and \$8,500 would be for other operating expenditures.

The Kansas Sentencing Commission estimates that enactment of SB 367 would have no effect on prison admissions or the Commission's workload. KDOC states enactment of SB 367 would have no fiscal effect on agency operations. The Division of the Budget estimates there would be a fiscal effect upon KDOC since the bill establishes the Kansas Juvenile Justice Improvement Fund, which would be administrated by KDOC; however, the Division is unable to estimate a fiscal effect at this time. The Division of the Budget requested fiscal effect information from other state agencies and once any additional information is received, a revised fiscal note will be issued. Any fiscal effect associated with SB 367 is not reflected in *The FY 2017 Governor's Budget Report*.

The League of Kansas Municipalities and the Kansas Association of Counties indicate enactment of the bill could create additional expenses by requiring new duties for county attorneys and local law enforcement officials; however, the League and Association are unable to estimate a fiscal effect at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: