

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2454**

As Amended by Senate Committee on Judiciary

**Brief\***

HB 2454, as amended, would amend various statutes related to juvenile offenders, as follows.

***Detention Hearings***

The bill would amend the statute in the Revised Kansas Juvenile Justice Code (Code) governing detention hearings to expand the permitted use of two-way electronic audio-visual communication between the juvenile and the judge from detention hearings only to all hearings under the section, including the detention review hearings required every 14 days while the juvenile is in detention. The bill would further amend law related to detention review hearings by adding a provision stating such hearings are not required for a juvenile offender held in detention awaiting case disposition. The bill would amend the Code statute governing post-adjudication orders and hearings to require, if a juvenile offender is being held in detention, that a dispositional hearing for sentencing take place within 45 days after the juvenile has been adjudicated.

***Tolling of Probation Term and Case Length Limits***

The bill would amend the statute governing probation term limits and overall case length limits in the Code to clarify that when such limits are tolled due to the offender absconding from supervision while on probation, the limits shall not begin to run again until the offender is located and brought back to the jurisdiction. The bill also would clarify

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

that, if the juvenile fails to appear for the dispositional hearing, such limits shall not apply until the juvenile is brought before the court for disposition.

### ***Duties of Oversight Committee***

The bill would amend one of the statutory duties of the Kansas Juvenile Justice Oversight Committee (Juvenile Oversight Committee) to require the Juvenile Oversight Committee to “monitor,” rather than “calculate,” any state expenditures that have been avoided by reductions in the number of youth placed in out-of-home placements. A corresponding requirement that a summary of such averted costs be included in the Juvenile Oversight Committee’s annual report would be changed from “calculated by the committee” to “determined.”

### **Background**

HB 2454 was introduced by the Joint Committee on Corrections and Juvenile Justice Oversight. As introduced, the bill contained the provision expanding use of electronic audio-visual communication and a provision allowing the juvenile and juvenile’s attorney, with approval of the court, to waive in writing each detention review hearing.

In the House Committee on Corrections and Juvenile Justice hearing, a representative of the Kansas Community Corrections Association submitted written-only testimony supporting the bill. A representative of Kansas Appleseed Center for Law and Justice submitted written-only neutral testimony. No other testimony was submitted.

The House Committee amended the bill to remove the waiver provision and add the provisions regarding a juvenile being held in detention awaiting disposition.

A representative of the Kansas Community Corrections Association submitted written-only proponent testimony at the hearing before the Senate Committee on Judiciary. No other

testimony was submitted. The Senate Committee amended the bill to add the provisions of HB 2455, as amended by House Committee (regarding Juvenile Oversight Committee duties), and HB 2456, as amended by House Committee (regarding tolling of probation term and case length limits). (*Note:* Further background regarding these bills is provided below.)

According to the fiscal note prepared by the Division of the Budget on HB 2454, as introduced, the Office of Judicial Administration indicates any fiscal effect from enactment of the bill would be negligible. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2019 Governor's Budget Report*.

#### ***HB 2455 (Oversight Committee Duties)***

The Juvenile Oversight Committee was created by 2016 SB 367 and charged with overseeing the implementation of the juvenile justice system reform measures included in that bill.

HB 2455 was introduced by the Joint Committee on Corrections and Juvenile Justice Oversight, which received testimony from the chairperson of the Juvenile Oversight Committee requesting the change so the agencies, rather than the Juvenile Oversight Committee itself, could make the required calculations.

In the House Committee on Corrections and Juvenile Justice hearing, a representative of the Kansas Department of Corrections (KDOC) testified in support of the bill. No opponent or neutral testimony was provided.

The House Committee amended the bill to align the annual report requirement with the change in terminology.

In the Senate Committee on Judiciary hearing, a representative of KDOC submitted written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on HB 2455, as introduced, KDOC indicates enactment of the bill would have no fiscal effect.

***HB 2456 (Tolling of Probation Term and Case Length Limits)***

HB 2456 was introduced by the Joint Committee on Corrections and Juvenile Justice Oversight.

In the House Committee on Corrections and Juvenile Justice hearing, a representative of KDOC testified in support of the bill. A representative of the Office of Judicial Administration (OJA) offered neutral testimony requesting an amendment to the phrasing of the change to the disposition provision. No opponent testimony was provided.

The House Committee amended the phrasing of the disposition provision.

In the Senate Committee on Judiciary hearing, a representative of KDOC submitted written-only proponent testimony. A representative of the Kansas Association of Court Services Officers submitted written-only neutral testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on HB 2456, as introduced, OJA indicates the bill would increase the workload of court services officers, but OJA cannot estimate a precise fiscal effect until the Judicial Branch has operated under the bill's provisions. Any fiscal effect is not reflected in *The FY 2019 Governor's Budget Report*.