

## HOUSE BILL No. 2114

By Joint Committee on Corrections and Juvenile Justice Oversight

1-20

1 AN ACT concerning the joint committee on corrections and juvenile  
2 justice oversight; renaming the committee in honor of Representative J.  
3 Russell (Russ) Jennings; requiring the committee to monitor the  
4 implementation of juvenile justice reform and the work of the juvenile  
5 justice oversight committee; amending K.S.A. 46-2801, 65-536 and 74-  
6 9101 and repealing the existing sections; also repealing K.S.A. 46-  
7 2802.

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

10 Section 1. K.S.A. 46-2801 is hereby amended to read as follows: 46-  
11 2801. (a) There is hereby created the joint committee on corrections and  
12 juvenile justice oversight ~~which~~. *On and after July 1, 2023, such*  
13 *committee shall be named the J. Russell (Russ) Jennings joint committee*  
14 *on corrections and juvenile justice oversight. The joint committee shall be*  
15 *within the legislative branch of state government and ~~which~~ shall be*  
16 *composed of ~~no~~ not more than seven members of the senate and seven*  
17 *members of the house of representatives.*

18 (b) The senate members shall be appointed by the president and the  
19 minority leader. The two major political parties shall have proportional  
20 representation on such committee. In the event application of the  
21 preceding sentence results in a fraction, the party having a fraction  
22 exceeding 0.5 shall receive representation as though such fraction were a  
23 whole number.

24 (c) The seven representative members shall be appointed as follows:

25 (1) Two members shall be members of the majority party who are  
26 members of the house committee on appropriations and shall be appointed  
27 by the speaker;

28 (2) two members shall be members of the majority party who are  
29 members of the house committee on judiciary and shall be appointed by  
30 the speaker; and

31 (3) three members shall be members of the minority party who are  
32 members of the house committee on appropriations or the house  
33 committee on judiciary and shall be appointed by the minority leader.

34 (d) Any vacancy in the membership of the joint committee ~~on~~  
35 ~~corrections and juvenile justice oversight~~ shall be filled by appointment in  
36 the manner prescribed by this section for the original appointment.

1 (e) All members of the joint committee ~~on corrections and juvenile~~  
2 ~~justice oversight~~ shall serve for terms ending on the first day of the regular  
3 legislative session in odd-numbered years. The joint committee shall  
4 organize annually and elect a chairperson and vice-chairperson in  
5 accordance with this subsection. During odd-numbered years, the  
6 chairperson shall be one of the representative members of the joint  
7 committee elected by the members of the joint committee and the vice-  
8 chairperson shall be one of the senate members elected by the members of  
9 the joint committee. During even-numbered years, the chairperson shall be  
10 one of the senate members of the joint committee elected by the members  
11 of the joint committee and the vice-chairperson shall be one of the  
12 representative members of the joint committee elected by the members of  
13 the joint committee. The vice-chairperson shall exercise all of the powers  
14 of the chairperson in the absence of the chairperson. If a vacancy occurs in  
15 the office of chairperson or vice-chairperson, a member of the joint  
16 committee, who is a member of the same house as the member who  
17 vacated the office, shall be elected by the members of the joint committee  
18 to fill such vacancy. ~~Within 30 days after the effective date of this act, the~~  
19 ~~joint committee shall organize and elect a chairperson and a vice-~~  
20 ~~chairperson in accordance with the provisions of this act.~~

21 (f) A quorum of the joint committee ~~on corrections and juvenile~~  
22 ~~justice oversight~~ shall be eight. All actions of the joint committee shall be  
23 by motion adopted by a majority of those present when there is a quorum.

24 (g) The joint committee ~~on corrections and juvenile justice oversight~~  
25 may meet at any time and at any place within the state on the call of the  
26 chairperson, vice-chairperson and ranking minority member of the house  
27 of representatives when the chairperson is a representative or of the senate  
28 when the chairperson is a senator.

29 (h) The provisions of ~~the acts contained in~~ article 12 of chapter 46 of  
30 the Kansas Statutes Annotated, and amendments thereto, applicable to  
31 special committees shall apply to the joint committee ~~on corrections and~~  
32 ~~juvenile justice oversight~~ to the extent that ~~the same~~ *such provisions* do not  
33 conflict with the specific provisions of this ~~act~~ *section* applicable to the  
34 joint committee.

35 (i) In accordance with K.S.A. 46-1204, and amendments thereto, the  
36 legislative coordinating council may provide for such professional services  
37 as may be requested by the joint committee ~~on corrections and juvenile~~  
38 ~~justice oversight~~.

39 (j) The joint committee ~~on corrections and juvenile justice oversight~~  
40 may introduce such legislation as it deems necessary in performing its  
41 functions.

42 (k) In addition to other powers and duties authorized or prescribed by  
43 law or by the legislative coordinating council, the joint committee ~~on~~

1 ~~corrections and juvenile justice oversight~~ shall:

2 (1) Monitor the inmate population and review and study the  
3 programs, activities and plans of the department of corrections regarding  
4 the duties of the department of corrections that are prescribed by statute,  
5 including the implementation of expansion projects, the operation of  
6 correctional, food service and other programs for inmates, community  
7 corrections, parole and the condition and operation of the correctional  
8 institutions and other facilities under the control and supervision of the  
9 department of corrections;

10 (2) ~~monitor the establishment of the juvenile justice authority and~~  
11 ~~review and study the programs, activities and plans of the juvenile justice~~  
12 ~~authority regarding the duties of the juvenile justice authority that are~~  
13 ~~prescribed by statute~~ *implementation of juvenile justice reform and the*  
14 *work of the juvenile justice oversight committee created in K.S.A. 75-*  
15 *52,161, and amendments thereto*, including the responsibility for the care,  
16 custody, control and rehabilitation of juvenile offenders and the condition  
17 and operation of the state juvenile correctional facilities ~~under the control~~  
18 ~~and supervision of the juvenile justice authority~~;

19 (3) review and study the adult correctional programs and activities  
20 and facilities of counties, cities and other local governmental entities,  
21 including the programs and activities of private entities operating  
22 community correctional programs and facilities and the condition and  
23 operation of jails and other local governmental facilities for the  
24 incarceration of adult offenders;

25 (4) review and study the juvenile offender programs and activities  
26 and facilities of counties, cities, school districts and other local  
27 governmental entities, including programs for the reduction and prevention  
28 of juvenile crime and delinquency, the programs and activities of private  
29 entities operating community juvenile programs and facilities and the  
30 condition and operation of local governmental residential or custodial  
31 facilities for the care, treatment or training of juvenile offenders; *and*

32 (5) ~~study the progress and results of the transition of powers, duties~~  
33 ~~and functions from the Kansas department for children and families, office~~  
34 ~~of judicial administration and department of corrections to the juvenile~~  
35 ~~justice authority; and~~

36 (6) make an annual report to the legislative coordinating council as  
37 provided in K.S.A. 46-1207, and amendments thereto, and such special  
38 reports to committees of the house of representatives and senate as are  
39 deemed appropriate by the joint committee.

40 Sec. 2. K.S.A. 65-536 is hereby amended to read as follows: 65-536.

41 (a) A juvenile crisis intervention center is a facility that provides short-  
42 term observation, assessment, treatment and case planning, and referral for  
43 any juvenile who is experiencing a mental health crisis and is likely to

1 cause harm to self or others. Such centers shall:

2 (1) Address or ensure access to the broad range of services to meet  
3 the needs of a juvenile admitted to the center, including, but not limited to,  
4 medical, psychiatric, psychological, social and educational services;

5 (2) not include construction features designed to physically restrict  
6 the movements and activities of juveniles, but shall have a design,  
7 structure, interior and exterior environment, and furnishings to promote a  
8 safe, comfortable and therapeutic environment for juveniles admitted to  
9 the center;

10 (3) implement written policies and procedures that include the use of  
11 a combination of supervision, inspection and accountability to promote  
12 safe and orderly operations; and

13 (4) implement written policies and procedures for staff monitoring of  
14 all center entrances and exits.

15 (b) A juvenile crisis intervention center shall provide treatment to  
16 juveniles admitted to such center, as appropriate while admitted.

17 (c) A juvenile crisis intervention center may be on the same premises  
18 as that of another licensed facility. If the juvenile crisis intervention center  
19 is on the same premises as that of another licensed facility, the living unit  
20 of the juvenile crisis intervention center shall be maintained in a separate,  
21 self-contained unit. No juvenile crisis intervention center shall be in a city  
22 or county jail or a juvenile detention facility.

23 (d) (1) A juvenile may be admitted to a juvenile crisis intervention  
24 center when:

25 (A) The head of such center determines such juvenile is in need of  
26 treatment and likely to cause harm to self or others;

27 (B) a qualified mental health professional from a community mental  
28 health center has given written authorization for such juvenile to be  
29 admitted to a juvenile crisis intervention center; and

30 (C) no other more appropriate treatment services are available and  
31 accessible to the juvenile at the time of admission.

32 (2) A juvenile may be admitted to a juvenile crisis intervention center  
33 for not more than 30 days. A parent with legal custody or legal guardian of  
34 a juvenile placed in a juvenile crisis intervention center may remove such  
35 juvenile from the center at any time. If the removal may cause the juvenile  
36 to become a child in need of care pursuant to K.S.A. 38-2202(d), and  
37 amendments thereto, the head of a juvenile crisis intervention center may  
38 report such concerns to the department for children and families or law  
39 enforcement or may request the county or district attorney to initiate  
40 proceedings pursuant to the revised Kansas code for care of children. If the  
41 head of a juvenile crisis intervention center determines the most  
42 appropriate action is to request the county or district attorney to initiate  
43 proceedings pursuant to the revised Kansas code for care of children, the

1 head of such center shall make such request and shall keep such juvenile in  
2 the center for an additional 24-hour period to initiate the appropriate  
3 proceedings.

4 (3) When a juvenile is released from a juvenile crisis intervention  
5 center, the managed care organization, if the juvenile is a medicaid  
6 recipient, and the community mental health center serving the area where  
7 the juvenile is being discharged shall be involved with discharge planning.  
8 Within seven days prior to the discharge of a juvenile, the head of the  
9 juvenile crisis intervention center shall give written notice of the date and  
10 time of the discharge to the patient, the managed care organization, if the  
11 juvenile is a medicaid recipient, and the community mental health center  
12 serving the area where the juvenile is being discharged, and the patient's  
13 parent, custodian or legal guardian.

14 (e) (1) Upon admission to a juvenile crisis intervention center, and if  
15 the juvenile is a medicaid recipient, the managed care organization shall  
16 approve services as recommended by the head of the juvenile crisis  
17 intervention center. Within 14 days after admission, the head of the  
18 juvenile crisis intervention center shall develop a plan of treatment for the  
19 juvenile in collaboration with the managed care organization.

20 (2) Nothing in this subsection shall prohibit the department of health and  
21 environment from administering or reimbursing state medicaid services to  
22 any juvenile admitted to a juvenile crisis intervention center pursuant to a  
23 waiver granted under section 1915(c) of the federal social security act,  
24 provided that such services are not administered through a managed care  
25 delivery system.

26 (3) Nothing in this subsection shall prohibit the department of health  
27 and environment from reimbursing any state medicaid services that qualify  
28 for reimbursement and that are provided to a juvenile admitted to a  
29 juvenile crisis intervention center.

30 (4) Nothing in this subsection shall impair or otherwise affect the  
31 validity of any contract in existence on July 1, 2018, between a managed  
32 care organization and the department of health and environment to provide  
33 state medicaid services.

34 (5) On or before January 1, 2019, the secretary of health and  
35 environment shall submit to the United States centers for medicare and  
36 medicaid services any approval request necessary to implement this  
37 subsection.

38 (f) The secretary for children and families, in consultation with the  
39 attorney general, shall promulgate rules and regulations to implement the  
40 provisions of this section on or before January 1, 2019.

41 (g) The secretary for children and families shall annually report  
42 information on outcomes of juveniles admitted into juvenile crisis  
43 intervention centers to the *J. Russell (Russ) Jennings* joint committee on

1 corrections and juvenile justice oversight, the corrections and juvenile  
2 justice committee of the house of representatives and the judiciary  
3 committee of the senate. Such report shall include:

4 (1) The number of admissions, releases and the lengths of stay for  
5 juveniles admitted to juvenile crisis intervention centers;

6 (2) services provided to juveniles admitted;

7 (3) needs of juveniles admitted determined by evidence-based  
8 assessment; and

9 (4) success and recidivism rates, including information on the  
10 reduction of involvement of the child welfare system and juvenile justice  
11 system with the juvenile.

12 (h) The secretary of corrections may enter into memorandums of  
13 agreement with other cabinet agencies to provide funding, not to exceed  
14 \$2,000,000 annually, from the evidence-based programs account of the  
15 state general fund or other available appropriations for juvenile crisis  
16 intervention services.

17 (i) For the purposes of this section:

18 (1) "Head of a juvenile crisis intervention center" means the  
19 administrative director of a juvenile crisis intervention center or such  
20 person's designee;

21 (2) "Juvenile" means a person who is less than 18 years of age;

22 (3) "likely to cause harm to self or others" means that a juvenile, by  
23 reason of the juvenile's mental disorder or mental condition is likely, in the  
24 reasonably foreseeable future, to cause substantial physical injury or  
25 physical abuse to self or others or substantial damage to another's property,  
26 as evidenced by behavior threatening, attempting or causing such injury,  
27 abuse or damage;

28 (4) "treatment" means any service intended to promote the mental  
29 health of the patient and rendered by a qualified professional, licensed or  
30 certified by the state to provide such service as an independent practitioner  
31 or under the supervision of such practitioner; and

32 (5) "qualified mental health professional" means a physician or  
33 psychologist who is employed by a participating mental health center or  
34 who is providing services as a physician or psychologist under a contract  
35 with a participating mental health center, a licensed masters level  
36 psychologist, a licensed clinical psychotherapist, a licensed marriage and  
37 family therapist, a licensed clinical marriage and family therapist, a  
38 licensed professional counselor, a licensed clinical professional counselor,  
39 a licensed specialist social worker or a licensed master social worker or a  
40 registered nurse who has a specialty in psychiatric nursing, who is  
41 employed by a participating mental health center and who is acting under  
42 the direction of a physician or psychologist who is employed by, or under  
43 contract with, a participating mental health center.

1 (j) This section shall be *a* part of and supplemental to article 5 of  
2 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

3 Sec. 3. K.S.A. 74-9101 is hereby amended to read as follows: 74-  
4 9101. (a) There is hereby established the Kansas sentencing commission.

5 (b) The commission shall:

6 (1) Develop a sentencing guideline model or grid based on fairness  
7 and equity and shall provide a mechanism for linking justice and  
8 corrections policies. The sentencing guideline model or grid shall establish  
9 rational and consistent sentencing standards which reduce sentence  
10 disparity, to include, but not be limited to, racial and regional biases which  
11 may exist under current sentencing practices. The guidelines shall specify  
12 the circumstances under which imprisonment of an offender is appropriate  
13 and a presumed sentence for offenders for whom imprisonment is  
14 appropriate, based on each appropriate combination of reasonable offense  
15 and offender characteristics. In developing its recommended sentencing  
16 guidelines, the commission shall take into substantial consideration current  
17 sentencing and release practices and correctional resources, including, but  
18 not limited to, the capacities of local and state correctional facilities. In its  
19 report, the commission shall make recommendations regarding whether  
20 there is a continued need for and what is the projected role of, if any, the  
21 prisoner review board and whether the policy of allocating good time  
22 credits for the purpose of determining an inmate's eligibility for parole or  
23 conditional release should be continued;

24 (2) consult with and advise the legislature with reference to the  
25 implementation, management, monitoring, maintenance and operations of  
26 the sentencing guidelines system;

27 (3) direct implementation of the sentencing guidelines system;

28 (4) assist in the process of training judges, county and district  
29 attorneys, court services officers, state parole officers, correctional  
30 officers, law enforcement officials and other criminal justice groups. For  
31 these purposes, the sentencing commission shall develop an  
32 implementation policy and shall construct an implementation manual for  
33 use in its training activities;

34 (5) receive presentence reports and journal entries for all persons who  
35 are sentenced for crimes committed on or after July 1, 1993, to develop  
36 post-implementation monitoring procedures and reporting methods to  
37 evaluate guideline sentences. In developing the evaluative criteria, the  
38 commission shall take into consideration rational and consistent  
39 sentencing standards which reduce sentence disparity to include, but not be  
40 limited to, racial and regional biases;

41 (6) advise and consult with the secretary of corrections and members  
42 of the legislature in developing a mechanism to link guidelines sentence  
43 practices with correctional resources and policies, including, but not

1 limited to, the capacities of local and state correctional facilities. Such  
2 linkage shall include a review and determination of the impact of the  
3 sentencing guidelines on the state's prison population, review of  
4 corrections programs and a study of ways to more effectively utilize  
5 correction dollars and to reduce prison population;

6 (7) make recommendations relating to modification to the sentencing  
7 guidelines as provided in K.S.A. 2022 Supp. 21-6822, and amendments  
8 thereto;

9 (8) prepare and submit a fiscal impact and correctional resource  
10 statement as provided in K.S.A. 74-9106, and amendments thereto;

11 (9) make recommendations to those responsible for developing a  
12 working philosophy of sentencing guideline consistency and rationality;

13 (10) develop prosecuting standards and guidelines to govern the  
14 conduct of prosecutors when charging persons with crimes and when  
15 engaging in plea bargaining;

16 (11) analyze problems in criminal justice, identify alternative  
17 solutions and make recommendations for improvements in criminal law,  
18 prosecution, community and correctional placement, programs, release  
19 procedures and related matters including study and recommendations  
20 concerning the statutory definition of crimes and criminal penalties and  
21 review of proposed criminal law changes;

22 (12) perform such other criminal justice studies or tasks as may be  
23 assigned by the governor or specifically requested by the legislature,  
24 department of corrections, the chief justice or the attorney general;

25 (13) develop a program plan which includes involvement of business  
26 and industry in the public or other social or fraternal organizations for  
27 admitting back into the mainstream those offenders who demonstrate both  
28 the desire and ability to reconstruct their lives during their incarceration or  
29 during conditional release;

30 (14) appoint a task force to make recommendations concerning the  
31 consolidation of probation, parole and community corrections services;

32 (15) produce official inmate population projections annually on or  
33 before six weeks following the date of receipt of the data from the  
34 department of corrections. When the commission's projections indicate  
35 that the inmate population will exceed available prison capacity within two  
36 years of the date of the projection, the commission shall identify and  
37 analyze the impact of specific options for: (A) Reducing the number of  
38 prison admissions; or (B) adjusting sentence lengths for specific groups of  
39 offenders. Options for reducing the number of prison admissions shall  
40 include, but not be limited to, possible modification of both sentencing  
41 grids to include presumptive intermediate dispositions for certain  
42 categories of offenders. Intermediate sanction dispositions shall include,  
43 but not be limited to: Intensive supervision; short-term jail sentences;

1 halfway houses; community-based work release; electronic monitoring and  
2 house arrest; substance abuse treatment; and pre-revocation incarceration.  
3 Intermediate sanction options shall include, but not be limited to,  
4 mechanisms to explicitly target offenders that would otherwise be placed  
5 in prison. Analysis of each option shall include an assessment of such  
6 option's impact on the overall size of the prison population, the effect on  
7 public safety and costs. In preparing the assessment, the commission shall  
8 review the experience of other states and shall review available research  
9 regarding the effectiveness of such option. The commission's findings  
10 relative to each sentencing policy option shall be presented to the governor  
11 and the joint committee on corrections and juvenile justice oversight no  
12 later than November 1;

13 (16) at the request of the governor or the *J. Russell (Russ) Jennings*  
14 joint committee on corrections and juvenile justice oversight, initiate and  
15 complete an analysis of other sentencing policy adjustments not otherwise  
16 evaluated by the commission;

17 (17) develop information relating to the number of offenders on  
18 postrelease supervision and subject to electronic monitoring for the  
19 duration of the person's natural life;

20 (18) determine the effect the mandatory sentencing established in  
21 K.S.A. 21-4642 and 21-4643, prior to their repeal, or K.S.A. 2022 Supp.  
22 21-6626 and 21-6627, and amendments thereto, would have on the number  
23 of offenders civilly committed to a treatment facility as a sexually violent  
24 predator as provided pursuant to K.S.A. 59-29a01 et seq., and amendments  
25 thereto;

26 (19) assume the designation and functions of the state statistical  
27 analysis center. All criminal justice agencies, as defined in K.S.A. 22-  
28 4701(c), and amendments thereto, shall provide any data or information,  
29 including juvenile offender information, requested by the commission to  
30 facilitate the function of the state statistical analysis center;

31 (20) subject to the provisions of appropriation acts and the  
32 availability of funds therefor, produce official juvenile correctional facility  
33 population projections annually on or before November 1, not more than  
34 six weeks following the receipt of the data from the ~~juvenile justice~~  
35 ~~authority~~ *secretary of corrections* and develop bed impacts regarding  
36 legislation that may affect juvenile correctional facility population;

37 (21) be authorized to make statewide supervision and placement  
38 cutoff decisions based upon the risk levels and needs of the offender. The  
39 commission shall periodically review data and make recommended  
40 changes;

41 (22) determine the impact and effectiveness of supervision and  
42 sanctions for felony offenders regarding recidivism and prison and  
43 community-based supervision populations; and

1       (23) gather data and information from any state agency to carry out  
2 the duties and functions described in this section. Unless otherwise  
3 prohibited by law, all state agencies shall provide any data or information  
4 requested by the commission to carry out such duties and functions. As  
5 used in this paragraph, "state agency" means any state office, officer,  
6 department, board, commission, institution, bureau, agency, or authority or  
7 any division or unit thereof.

8       Sec. 4. K.S.A. 46-2801, 46-2802, 65-536 and 74-9101 are hereby  
9 repealed.

10       Sec. 5. This act shall take effect and be in force from and after its  
11 publication in the statute book.