

HOUSE BILL No. 2490

By J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight

1-10

1 AN ACT concerning children and minors; relating to juvenile offenders;
2 limiting overall case length limit extensions to 90 days per extension;
3 amending K.S.A. 2023 Supp. 38-2391 and repealing the existing
4 section.

5
6 Be it enacted by the Legislature of the State of Kansas:

7 Section 1. K.S.A. 2023 Supp. 38-2391 is hereby amended to read as
8 follows: 38-2391. (a) Upon adjudication as a juvenile offender pursuant to
9 K.S.A. 38-2356, and amendments thereto, modification of sentence
10 pursuant to K.S.A. 38-2367, and amendments thereto, or violation of a
11 condition of sentence pursuant to K.S.A. 38-2368, and amendments
12 thereto, the court may impose one or more of the sentencing alternatives
13 under K.S.A. 38-2361, and amendments thereto, for a period of time
14 pursuant to this section and K.S.A. 38-2369, and amendments thereto. The
15 period of time ordered by the court shall not exceed the overall case length
16 limit.

17 (b) Except as provided in subsection (c), the overall case length limit
18 shall be calculated based on the adjudicated offense and the results of a
19 risk and needs assessment, as follows:

20 (1) Offenders adjudicated for a misdemeanor may remain under the
21 jurisdiction of the court for up to 12 months;

22 (2) low-risk and moderate-risk offenders adjudicated for a felony may
23 remain under court jurisdiction for up to 15 months; and

24 (3) high-risk offenders adjudicated for a felony may remain under
25 court jurisdiction for up to 18 months.

26 (c) There shall be no overall case length limit for a juvenile
27 adjudicated for a felony which, if committed by an adult, would constitute
28 an off-grid felony or a nondrug severity level 1 through 4 person felony.

29 (d) When a juvenile is adjudicated for multiple counts, the maximum
30 overall case length shall be calculated based on the most severe
31 adjudicated count or any other adjudicated count at the court's discretion.
32 The court shall not run multiple adjudicated counts consecutively.

33 (e) When the juvenile is adjudicated for multiple cases
34 simultaneously, the court shall run such cases concurrently.

35 (f) Upon expiration of the overall case length limit as defined in

1 subsection (b), the court's jurisdiction terminates and shall not be
2 extended, except as provided in subsection (g)(2).

3 (g) (1) For the purposes of placing juvenile offenders on probation
4 pursuant to K.S.A. 38-2361, and amendments thereto, the court shall
5 establish a specific term of probation as specified in this subsection based
6 on the most serious adjudicated count in combination with the results of a
7 risk and needs assessment, as follows, except that the term of probation
8 shall not exceed the overall case length limit:

9 (A) Low-risk and moderate-risk offenders adjudicated for a
10 misdemeanor and low-risk offenders adjudicated for a felony may be
11 placed on probation for a term up to six months;

12 (B) high-risk offenders adjudicated for a misdemeanor and moderate-
13 risk offenders adjudicated for a felony may be placed on probation for a
14 term up to nine months; and

15 (C) high-risk offenders adjudicated for a felony may be placed on
16 probation for a term up to 12 months.

17 (2) The court may extend the term of probation if a juvenile needs
18 time to complete an evidence-based program as determined to be
19 necessary based on the results of a validated risk and needs assessment
20 and, if necessary, may extend the overall case length limit to allow for
21 completion of such program when failure to complete such program is due
22 to a repeated, intentional effort to delay by the juvenile as reported by
23 the evidence-based services provider. The court may also extend the term of
24 probation for good cause shown for one month for low-risk offenders,
25 three months for moderate-risk offenders and six months for high-risk
26 offenders. Prior to extension of the initial probationary term, the court
27 shall find and enter into the written record the criteria permitting extension
28 of probation. ~~Extensions of probation and the overall case length limit~~
29 *shall only be granted incrementally. Extensions of the overall case length*
30 *limit shall only be granted incrementally and shall not exceed 90 days per*
31 *extension.* When the court extends the term of probation for a juvenile
32 offender, the court services officer or community correctional services
33 officer responsible for monitoring such juvenile offender shall record the
34 reason given for extending probation. Court services officers shall report
35 such records to the office of judicial administration, and community
36 correctional services officers shall report such records to the department of
37 corrections. The office of judicial administration and the department of
38 corrections shall report such recorded data to the Kansas juvenile justice
39 oversight committee on a quarterly basis.

40 (3) The probation term limits do not apply to those offenders
41 adjudicated for an offense which, if committed by an adult, would
42 constitute an off-grid crime, rape as defined in K.S.A. 21-5503(a)(1), and
43 amendments thereto, aggravated criminal sodomy as defined in K.S.A. 21-

1 5504(b)(3), and amendments thereto, or murder in the second degree as
2 defined in K.S.A. 21-5403, and amendments thereto. Such offenders may
3 be placed on probation for a term consistent with the overall case length
4 limit.

5 (4) The probation term limits and overall case length limits provided
6 in this section shall be tolled during any time that the offender has
7 absconded from supervision while on probation, and the time on such
8 limits shall not start to run again until the offender is located and brought
9 back to the jurisdiction.

10 (h) For the purpose of placing juvenile offenders in detention
11 pursuant to K.S.A. 38-2361 and 38-2369, and amendments thereto, the
12 court shall establish a specific term of detention. The term of detention
13 shall not exceed the overall case length limit or the cumulative detention
14 limit. Cumulative detention use shall be limited to a maximum of 45 days
15 over the course of the juvenile offender's case, except that there shall be no
16 limit on cumulative detention for juvenile offenders adjudicated for a
17 felony which, if committed by an adult, would constitute an off-grid felony
18 or a nondrug severity level 1 through 4 person felony.

19 (i) The provisions of this section shall apply upon disposition or 15
20 days after adjudication, whichever is sooner, unless the juvenile fails to
21 appear for such juvenile's dispositional hearing. If a juvenile fails to appear
22 at such juvenile's dispositional hearing, the probation term limits and
23 overall case length limits provided in this section shall not apply until the
24 juvenile is brought before the court for disposition in such juvenile's case.

25 (j) This section shall be a part of and supplemental to the revised
26 Kansas juvenile justice code.

27 Sec. 2. K.S.A. 2023 Supp. 38-2391 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the statute book.