

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2016

SENATE BILL No. 367

By Committee on Corrections and Juvenile Justice

1-26

1 AN ACT concerning children and minors; relating to juvenile justice;  
2 amending K.S.A. 12-4112~~and~~, 20-167, **75-3722 and 75-6704** and  
3 K.S.A. 2015 Supp. 8-241, 8-2110, 12-4117, 38-2202, 38-2232, 38-  
4 2242, 38-2243, ~~38-2255~~, 38-2260, 38-2288, 38-2302, 38-2304, 38-  
5 2313, 38-2325, 38-2330, 38-2331, 38-2332, 38-2342, 38-2343, 38-  
6 2344, 38-2346, 38-2347, 38-2360, 38-2361, ~~{38-2364, }38-2366~~, 38-  
7 2367, 38-2368, 38-2369, 38-2371, 38-2372, 38-2373, 38-2374, 38-  
8 2375, 38-2376, 38-2377, 38-2389, 65-5603, 72-1113, 72-8222, 72-  
9 89b03, 72-89c02, 74-4914, 75-7023, 75-7038, 75-7044, 75-7046 and  
10 79-4803 and repealing the existing sections; also repealing K.S.A. 2015  
11 Supp. 38-2334, **and 38-2335**, ~~38-2364 and 38-2365~~.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Upon adjudication as a juvenile offender pursuant  
15 to K.S.A. 2015 Supp. 38-2356, and amendments thereto, modification of  
16 sentence pursuant to K.S.A. 2015 Supp. 38-2367, and amendments thereto,  
17 or violation of a condition of sentence pursuant to K.S.A. 2015 Supp. 38-  
18 2368, and amendments thereto, the court may impose one or more of the  
19 sentencing alternatives under K.S.A. 2015 Supp. 38-2361, and  
20 amendments thereto, for a period of time pursuant to this section and  
21 K.S.A. 2015 Supp. 38-2369, and amendments thereto. The period of time  
22 ordered by the court shall not exceed the overall case length limit.

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

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

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

30 (3) high-risk offenders adjudicated for a felony may remain under  
31 court jurisdiction for up to 18 months, ~~except that-~~

32 (A) ~~Any offender, regardless of risk level, adjudicated for a felony~~

1 that, if committed by an adult, would constitute a severity level 1 through  
2 3, person felony, may be under court jurisdiction for up to 30 months,  
3 except as provided in subparagraph (B); and

4 ~~(B) any offender, regardless of risk level, adjudicated for a felony~~  
5 ~~that, if committed by an adult, would constitute an off-grid felony, rape as~~  
6 ~~defined in K.S.A. 2015 Supp. 21-5503, and amendments thereto,~~  
7 ~~aggravated criminal sodomy as defined in K.S.A. 2015 Supp. 21-5504(b)~~  
8 ~~(3), and amendments thereto, or murder in the second degree as defined in~~  
9 ~~K.S.A. 2015 Supp. 21-5403, and amendments thereto, may be under court~~  
10 ~~jurisdiction for up to 42 months or up to 66 months if the judge conducts a~~  
11 ~~departure hearing and finds substantial and compelling reasons to impose a~~  
12 ~~departure sentence as provided in K.S.A. 2015 Supp. 38-2371, and~~  
13 ~~amendments thereto.~~

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

17 ~~(e)(d)~~ When a juvenile is adjudicated for multiple counts, the  
18 maximum overall case length shall be calculated based on the most severe  
19 adjudicated count or any other adjudicated count at the court's discretion.  
20 The court shall not run multiple adjudicated counts consecutively.

21 ~~(d)(e)~~ When the juvenile is adjudicated for multiple cases  
22 simultaneously, the court shall run those cases concurrently.

23 ~~(e)(f)~~ Upon expiration of the overall case length limit as defined in  
24 subsection (b), the court's jurisdiction terminates and shall not be  
25 extended.

26 ~~(f)(g)~~ (1) For the purposes of placing juvenile offenders on probation  
27 pursuant to K.S.A. 2015 Supp. 38-2361, and amendments thereto, the  
28 court shall establish a specific term of probation as specified in this  
29 subsection based on the most serious adjudicated count in combination  
30 with the results of a risk and needs assessment, as follows, except that the  
31 term of probation shall not exceed the overall case length limit:

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

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

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

40 (2) The court may ~~only~~ extend the term of probation if a juvenile  
41 needs time to complete an evidence-based program ~~that the juvenile has~~  
42 ~~already begun~~ *as determined to be necessary based on the results of a*  
43 *validated risk and needs assessment. The court may also extend the*

1 **term of probation for good cause shown for two months for low-risk**  
2 **offenders, four months for moderate-risk offenders and six months for**  
3 **high-risk offenders.** Prior to extension of the initial probationary term, the  
4 court shall find and enter into the written record the criteria permitting  
5 extension of probation. Extensions of probation shall only be granted  
6 incrementally and shall not exceed the overall case length limit.

7 (3) The probation term limits do not apply to those offenders  
8 adjudicated for an off-grid crime, rape as defined in K.S.A. 2015 Supp. 21-  
9 5503(a)(1), and amendments thereto, aggravated criminal sodomy as  
10 defined in K.S.A. 2015 Supp. 21-5504(b)(3), and amendments thereto, or  
11 murder in the second degree as defined in K.S.A. 2015 Supp. 21-5403, and  
12 amendments thereto. Such offenders may be placed on probation for a  
13 term consistent with the overall case length limit.

14 ~~(g)~~**(h)** For the purpose of placing juvenile offenders in detention  
15 pursuant to K.S.A. 2015 Supp. 38-2361 and 38-2369, and amendments  
16 thereto, the court shall establish a specific term of detention. The term of  
17 detention shall not exceed the overall case length limit or the cumulative  
18 detention limit. Cumulative detention use shall be limited to a maximum  
19 of ~~30~~ **45** days over the course of the juvenile offender's case, ***except that***  
20 ***there shall be no limit on cumulative detention for juvenile offenders***  
21 ***adjudicated for a felony that, if committed by an adult, would constitute***  
22 ***an off-grid felony or a nondrug severity level 1 through 4 person felony.***

23 ~~(h)~~**(i)** This section shall be part of and supplemental to the revised  
24 Kansas juvenile justice code.

25 ***{(j) This section shall take effect on and after July 1, 2017.}***

26 New Sec. 2. (a) The department of corrections shall, in consultation  
27 with the supreme court, adopt rules and regulations ***by January 1, 2017,***  
28 for a statewide system of structured community-based graduated responses  
29 for technical violations of probation, violations of conditional release and  
30 violations of a condition of sentence by juveniles. Such graduated  
31 responses shall be utilized by community supervision officers to provide a  
32 continuum of community-based responses. These responses shall include  
33 sanctions that are swift and certain to address violations based on the  
34 severity of the violation as well as incentives that encourage positive  
35 behaviors. Such responses shall take into account the juvenile's risks and  
36 needs.

37 (b) When a juvenile is placed on probation pursuant to K.S.A. 2015  
38 Supp. 38-2361, and amendments thereto, community supervision officers  
39 shall utilize graduated responses, targeted to the juvenile's risks and needs  
40 based on the results of a risk and needs assessment to address technical  
41 violations. A technical violation shall only be considered by the court for  
42 revocation if: (1) It is a third or subsequent technical violation; (2) prior  
43 failed responses are documented in the juvenile's case plan; and (3) the

1 community supervision officer has determined and documented that  
2 graduated responses to the violation will not suffice. Unless a juvenile  
3 poses a significant risk of physical harm to another *or damage to property*,  
4 community supervision officers shall issue a summons rather than request  
5 a warrant on a third or subsequent technical violation subject to review by  
6 the court.

7 (c) When a juvenile is placed on probation pursuant to K.S.A. 2015  
8 Supp. 38-2361, and amendments thereto, the community supervision  
9 officer responsible for oversight of the juvenile shall develop a case plan in  
10 consultation with the juvenile and the juvenile's family. The department for  
11 children and families and local board of education may participate in the  
12 development of the case plan when appropriate.

13 (1) Such case plan shall incorporate the results of the risk and needs  
14 assessment, referrals to programs, documentation on violations and  
15 graduated responses and shall clearly define the role of each person or  
16 agency working with the juvenile.

17 (2) If the juvenile is later committed to the custody of the secretary,  
18 the case plan shall be shared with the juvenile correctional facility.

19 (d) This section shall be part of and supplemental to the revised  
20 Kansas juvenile justice code.

21 New Sec. 3. (a) (1) The court shall appoint a multidisciplinary team  
22 to review cases in which a juvenile fails to substantially comply with the  
23 development of the immediate intervention plan pursuant to K.S.A. 2015  
24 Supp. 38-2346(b), and amendments thereto. The team may be a standing  
25 multidisciplinary team or may be appointed for a specific juvenile. (2) The  
26 supreme court shall appoint a multidisciplinary team facilitator in each  
27 judicial district. The supreme court may appoint a convener and facilitator  
28 for a multiple district multidisciplinary team.

29 (b) The multidisciplinary team facilitator shall invite the following  
30 individuals to be part of the multidisciplinary team:

31 (1) The juvenile;

32 (2) the juvenile's parents, guardians or custodial relative;

33 (3) the superintendent of schools or the superintendent's designee;

34 (4) a clinician who has training and experience coordinating  
35 behavioral or mental health treatment for juveniles *if such clinician is*  
36 *available*; and

37 (5) any other person or agency representative who ~~may~~ *is needed to*  
38 assist in providing recommendations for the particular needs of the  
39 juvenile and family.

40 (c) Any person appointed as a member of a multidisciplinary team  
41 may decline to serve and shall incur no civil liability as a result of  
42 declining to serve.

43 (d) This section shall take effect on and after January 1, 2017.

1 New Sec. 4. (a) There is hereby established the Kansas juvenile  
2 justice oversight committee for the purpose of overseeing the  
3 implementation of reform measures intended to improve the state's  
4 juvenile justice system.

5 (b) The Kansas juvenile justice oversight committee shall be  
6 composed of ~~18~~ **19** members including the following individuals:

7 (1) The governor or the governor's designee;

8 (2) one member of the house of representatives appointed by the  
9 speaker of the house of representatives;

10 (3) one member of the house of representatives appointed by the  
11 minority leader of the house of representatives;

12 (4) one member of the senate appointed by the president of the  
13 senate;

14 (5) one member of the senate appointed by the minority leader of the  
15 senate;

16 (6) the secretary of corrections or the secretary's designee;

17 (7) the secretary for children and families or the secretary's designee;

18 (8) the commissioner of education or the commissioner's designee;

19 (9) the deputy secretary of juvenile services at the department of  
20 corrections or the deputy's designee;

21 (10) the director of community-based services at the department of  
22 corrections, or the director's designee;

23 (11) two district court judges appointed by the chief justice of the  
24 supreme court;

25 (12) one chief court services officer appointed by the chief justice of  
26 the supreme court;

27 (13) one member of the office of judicial administration appointed by  
28 the chief justice of the supreme court;

29 (14) one juvenile defense attorney appointed by the chief justice of  
30 the supreme court;

31 (15) one juvenile crime victim advocate appointed by the governor;

32 (16) one member from a ~~state~~ **local** law enforcement agency  
33 appointed by the ~~governor~~ **attorney general**; ~~and~~

34 (17) one ~~member~~ **attorney** from a prosecuting attorney's office  
35 appointed by the ~~governor~~ **attorney general**; ~~and~~

36 **(18) one member from a community corrections agency appointed**  
37 **by the governor.**

38 (c) The committee shall be appointed by ~~January 1, 2017~~ **September**  
39 **1, 2016**, and shall meet within ~~90~~ **60** days after appointment and at least  
40 quarterly thereafter, upon notice by the chair. The committee shall select a  
41 chairperson and vice-chairperson, and 10 members shall be considered a  
42 quorum.

43 (d) The committee shall perform the following duties:

- 1 (1) Guide and evaluate the implementation of the changes in law
- 2 relating to juvenile justice reform;
- 3 (2) define performance measures and recidivism;
- 4 (3) approve a plan developed by court services and the department of
- 5 corrections instituting a uniform process for collecting and reviewing
- 6 performance measures and recidivism, costs and outcomes of programs;
- 7 (4) consider utilizing the Kansas criminal justice information system
- 8 for data collection and analyses;
- 9 (5) ensure system integration and accountability;
- 10 (6) monitor the fidelity of implementation efforts to programs and
- 11 training efforts;
- 12 (7) calculate any state expenditures that have been avoided by
- 13 reductions in the number of youth placed in out-of-home placements to
- 14 recommend to the governor and the legislature reinvestment of funds into:
  - 15 (A) Evidence-based practices and programs in the community
  - 16 pursuant to K.S.A. 2015 Supp. 38-2302, and amendments thereto, for use
  - 17 by intake and assessment services, immediate intervention, probation and
  - 18 conditional release;~~and~~
  - 19 (B) training on evidence-based practices for juvenile justice system
  - 20 staff, including, but not limited to, training in cognitive behavioral
  - 21 therapies, family-centered therapies, substance abuse, sex offender therapy
  - 22 and other services that address a juvenile's risks and needs; *and*
  - 23 ***(C) monitor the plan from the department of corrections for the***
  - 24 ***prioritization of funds pursuant to section 13(d), and amendments***
  - 25 ***thereto;***
  - 26 (8) continue to review any additional topics relating to the continued
  - 27 improvement of the juvenile justice system, including:
    - 28 (A) The confidentiality of juvenile records;
    - 29 (B) the reduction of the financial burden placed on families involved
    - 30 in the juvenile justice system;
    - 31 ~~(C) juvenile due process rights, including, but not limited to, the~~
    - 32 ~~development of rights to a speedy trial and preliminary hearings;~~
    - 33 **(C) juvenile due process rights, including, but not limited to, the**
    - 34 **development of rights to a speedy trial and preliminary hearings;**
    - 35 ~~(D)~~**(D)** the improvement of conditions of confinement for juveniles;
    - 36 and
    - 37 ~~(E)~~~~(D)~~**(E)** the removal from the home of children in need of care for
    - 38 non-abuse or neglect, truancy, running away or additional child behavior
    - 39 problems when there is no court finding of parental abuse or neglect; and
    - 40 (9) adhere to the goals of the juvenile justice code as provided in
    - 41 K.S.A. 2015 Supp. 38-2301, and amendments thereto;
    - 42 **(10) analyze and investigate gaps in the juvenile justice system**
    - 43 **and explore alternatives to out-of-home placement of juvenile**

1 **offenders in youth residential facilities; and**

2 **(11) identify training models, needs and resources and make**  
3 **appropriate recommendations.**

4 (e) The committee shall issue an annual report to the governor, the  
5 president of the senate, the speaker of the house of representatives and the  
6 chief justice of the supreme court on or before November 30<sup>th</sup> each year  
7 starting in 2017. Such report shall include:

8 (1) An assessment of the progress made in implementation of  
9 juvenile justice reform efforts;

10 (2) a summary of the committee's efforts in fulfilling its duties as set  
11 forth in this section;

12 (3) an analysis of the recidivism data obtained by the committee  
13 pursuant to this section;

14 (4) a summary of the averted costs calculated by the committee  
15 pursuant to this section and a recommendation for any reinvestment of the  
16 averted costs to fund services or programs to expand Kansas' continuum of  
17 alternatives for juveniles who would otherwise be placed in out-of-home  
18 placements;

19 (5) an analysis of detention risk-assessment data to determine if any  
20 disparate impacts resulted at any stage of the juvenile justice system based  
21 on race, sex, national origin or economic status; ~~and~~

22 (6) recommendations for continued improvements to the juvenile  
23 justice system; **and**

24 **(7) data pertaining to the completion of training on evidence-**  
25 **based practices in juvenile justice, including, but not limited to, the**  
26 **number of judges, district and county attorneys and appointed**  
27 **defense attorney, that participated in training.**

28 (f) After initial appointment, members appointed to this committee by  
29 the governor, the president of the senate, the speaker of the house of  
30 representatives or the chief justice of the supreme court pursuant to  
31 subsection (b), shall serve for a term of two years and shall be eligible for  
32 reappointment to such position. All members appointed to the committee  
33 shall serve until a successor has been duly appointed.

34 **(g) The staff of the Kansas department of corrections shall**  
35 **provide such assistance as may be requested by the committee. To**  
36 **facilitate the organization of the meetings of the committee, the**  
37 **Kansas department of corrections shall provide administrative**  
38 **assistance.**

39 New Sec. 5. (a) Training on evidence-based programs and practices  
40 shall be mandatory for all individuals who work with juveniles adjudicated  
41 or participating in an immediate intervention under the Kansas revised  
42 juvenile justice code. Such individuals shall include, but not be limited to:

43 (1) Community supervision officers;

- 1 (2) juvenile intake and assessment workers;
- 2 (3) juvenile corrections officers; and
- 3 (4) any individual who works with juveniles through a contracted
- 4 organization providing services to juveniles.

5 (b) The department of corrections, in conjunction with the office of  
6 judicial administration shall provide training in evidence-based programs  
7 and practices on ***not less than*** a semi-annual basis to those required to  
8 receive such training pursuant to subsection (a).

9 ~~New Sec. 6. The chief justice of the supreme court shall designate an~~  
10 ~~individual or create a statewide entity to oversee all attorneys appointed to~~  
11 ~~represent juveniles pursuant to K.S.A. 2015 Supp. 38-2306(a), and~~  
12 ~~amendments thereto.~~

13 ~~New Sec. 7. 6.~~ (a) The department of corrections, in collaboration  
14 with the office of judicial administration, shall develop standards and  
15 procedures to guide the administration of an immediate intervention  
16 process and programs developed pursuant to K.S.A. 2015 Supp. 38-2346,  
17 and amendments thereto, and alternative means of adjudication pursuant to  
18 K.S.A. 2015 Supp. 38-2389, and amendments thereto. Such standards and  
19 procedures shall include, but not be limited to:

- 20 (1) Contact requirements;
- 21 (2) parent engagement;
- 22 (3) graduated response and discharge requirements; and
- 23 (4) process and quality assurance.

24 (b) This section shall take effect on and after January 1, 2017.

25 ~~New Sec. 8. 7.~~ (a) When a juvenile is placed outside the juvenile's  
26 home at a dispositional hearing pursuant to K.S.A. 2015 Supp. 38-2361(k),  
27 and amendments thereto, and no reintegration plan is made a part of the  
28 record of the hearing, a written reintegration plan shall be prepared and  
29 submitted to the court within 15 days of the initial order of the court.

30 (b) The plan shall be prepared by the person who has custody or, if  
31 directed by the court, by a community supervision officer.

32 (c) If there is a lack of agreement among persons necessary for the  
33 success of the plan, the person or entity having custody of the child shall  
34 notify the court, and the court shall set a hearing pursuant to K.S.A. 2015  
35 Supp. 38-2367, and amendments thereto.

36 (d) This section shall be part of and supplemental to the revised  
37 Kansas juvenile justice code.

38 ***(e) This section shall take effect on and after July 1, 2017.***

39 ~~New Sec. 9. 8.~~ For purposes of determining a release date of a  
40 juvenile offender from custody of the secretary of corrections, the  
41 secretary shall promulgate rules and regulations ***by January 1, 2017,***  
42 regarding earned time calculations.

43 ~~New Sec. 10. 9.~~ For purposes of determining release of a juvenile



1 from probation, the supreme court, in consultation with the department of  
2 corrections, shall establish rules for a system of earned discharge for  
3 juvenile probationers to be applied by all community supervision officers.  
4 A probationer shall be awarded earned discharge credits while on  
5 probation for each full calendar month of compliance with terms of  
6 supervised probation pursuant to the rules developed by the supreme court.

7 ~~New Sec.—11.~~ **10.** (a) The office of judicial administration shall  
8 designate or develop a training protocol for judges, county and district  
9 attorneys and defense attorneys who work in juvenile court.

10 (b) The office of judicial administration shall report annually to the  
11 legislature and to the juvenile justice oversight committee established  
12 pursuant to section 4, and amendments thereto, data pertaining to the  
13 completion of the training protocol, including, but not limited to, the  
14 number of judges, district and county attorneys and defense attorneys who  
15 did and did not complete the training protocol.

16 ~~New Sec.—12.~~ **11.** (a) The department of corrections shall create a plan  
17 and provide funding to incentivize the development of immediate  
18 intervention programs established pursuant to K.S.A. 2015 Supp. 38-2346,  
19 and amendments thereto.

20 (b) Funds allocated in accordance with such plan shall be used only  
21 for the purpose of making grants to immediate intervention programs that  
22 adhere to the standards and procedures for such programs developed  
23 pursuant to section ~~7~~ **6**, and amendments thereto, and shall be based on the  
24 number of persons served and such other requirements as may be  
25 established by the department of corrections. The plan may include  
26 requirements for grant applications, organizational characteristics,  
27 reporting and auditing criteria and such other standards for eligibility and  
28 accountability.

29 (c) This section shall take effect on and after January 1, 2017.

30 ~~New Sec.—13.~~ **12.** The department of corrections shall develop for use  
31 by the courts pursuant to K.S.A. 2015 Supp. 38-2367(d), and amendments  
32 thereto, community integration programs for juveniles who are ready to  
33 transition to independent living. Community integration programs shall be  
34 designed to prepare juveniles to become socially and financially  
35 independent from the program.

36 ~~New Sec.—14.~~ **13.** (a) There is hereby established in the state treasury  
37 the Kansas juvenile justice improvement fund, which shall be administered  
38 by the department of corrections. All expenditures from the Kansas  
39 juvenile justice improvement fund shall be for the development and  
40 implementation of evidence-based community programs and practices for  
41 juvenile offenders and their families by community supervision offices,  
42 including, but not limited to, juvenile intake and assessment, court services  
43 and community corrections. All expenditures from the Kansas juvenile

1 justice improvement fund shall be made in accordance with appropriation  
2 acts upon warrants of the director of accounts and reports issued pursuant  
3 to vouchers approved by the secretary of corrections or the secretary's  
4 designee.

5 (b) Annually, on or before June 30, the secretary of corrections shall  
6 determine and certify to the director of accounts and reports the amount in  
7 each account of the state general fund of a state agency that has been  
8 determined by the secretary to be actual or projected cost savings as a  
9 result of cost avoidance resulting from decreased reliance on incarceration  
10 in the juvenile correctional facility and placement in youth residential  
11 centers. ***The baseline shall be calculated on the cost of incarceration and  
12 placement in fiscal year 2015.***

13 (c) Annually, on July 1 or as soon thereafter as moneys are available,  
14 the director of accounts and reports shall transfer the amount certified  
15 pursuant to subsection (b) from each account of the state general fund of a  
16 state agency that has been determined by the secretary of corrections to be  
17 actual or projected cost savings to the Kansas juvenile justice  
18 improvement fund.

19 (d) ***Prioritization of ~~funds~~ Kansas juvenile justice improvement  
20 fund moneys will be given to regions that demonstrate a high rate of  
21 out-of-home placement of juvenile offenders per capita that have few  
22 existing community-based alternatives.***

23 (e) ***During fiscal years 2017 and 2018, the secretary of corrections  
24 shall transfer an amount not to exceed \$8,000,000 from appropriated  
25 department of corrections moneys from the state general fund or any  
26 available special revenue fund or funds that are budgeted for the  
27 purposes of facilitating the development and implementation of new  
28 community placements in conjunction with the reduction in out-of-home  
29 placements.***

30 (f) **The Kansas juvenile justice improvement fund and any other  
31 moneys transferred pursuant to this section shall be used for the  
32 purposes set forth in this section and for no other governmental  
33 purposes. It is the intent of the legislature that the funds and the  
34 moneys deposited in this fund shall remain intact and inviolate for the  
35 purposes set forth in this section.**

36 New Sec. 45-14. (a) The attorney general shall, in collaboration with  
37 the Kansas law enforcement training center and the state board of  
38 education, promulgate rules and regulations **by January 1, 2017**, creating a  
39 skill development training for responding effectively to misconduct in  
40 school while minimizing student exposure to the juvenile justice system.

41 (b) The skill development training shall include, but not be limited to,  
42 the following:

- 43 (1) Information on adolescent development;

1 (2) risk and needs assessments;  
2 (3) mental health;  
3 (4) diversity;  
4 (5) youth crisis intervention;  
5 (6) substance abuse prevention;  
6 (7) trauma-informed responses; and  
7 (8) other evidence-based practices in school policing to mitigate  
8 student juvenile justice exposure.

9 (c) The superintendent of each school district or the superintendent's  
10 designee and any law enforcement officer primarily assigned to a school  
11 shall complete the skill development training.

12 ~~***New Sec. 15. Juveniles who are alleged to be juvenile offenders***~~  
13 ~~***shall have a right to a speedy trial and a right to a preliminary hearing.***~~

14 ~~***New Sec. 16. 15. The department of corrections and the Kansas***~~  
15 ~~***juvenile justice oversight committee shall explore methods of***~~  
16 ~~***exchanging confidential data between all parts of the juvenile justice***~~  
17 ~~***system. Such data exchange shall be limited based on the needs of the***~~  
18 ~~***user accessing the data. Such method of exchanging data shall take into***~~  
19 ~~***consideration sharing data that is necessary for continuity of treatment***~~  
20 ~~***and correctional programs, including, but not limited to, health care***~~  
21 ~~***requirements, mental health care needs and history, substance abuse***~~  
22 ~~***treatment and history, recommendations for emergency placement***~~  
23 ~~***options and any other information to assist in providing proper care to***~~  
24 ~~***the juvenile. Such data exchange will be controlled utilizing the Kansas***~~  
25 ~~***criminal justice information system. The department of corrections is***~~  
26 ~~***authorized to use grant funds, allocated state funds or any other***~~  
27 ~~***accessible funding necessary to create such data exchange system. All***~~  
28 ~~***state and local programs involved in the care of juveniles involved in the***~~  
29 ~~***juvenile justice system or the child in need of care system shall cooperate***~~  
30 ~~***in the development and utilization of such system.***~~

31 **New Sec. 16. (a)** The juvenile corrections advisory boards  
32 established pursuant to K.S.A. 75-7044, and amendments thereto,  
33 shall annually consider the availability of:

34 (1) Treatment programs;  
35 (2) programs creating alternatives to incarceration for juvenile  
36 offenders;  
37 (3) mental health treatment; and  
38 (4) the development of risk assessment tools, if they do not  
39 currently exist, for use in determining pretrial release and probation  
40 supervision levels.

41 (b) The juvenile corrections advisory boards shall report to the  
42 Kansas department of corrections and the Kansas juvenile justice  
43 oversight committee by October 1 of each year detailing the costs of

1 programs needed in the judicial district the juvenile corrections  
2 advisory board represents to reduce the out-of-home placement of  
3 juvenile offenders and improve the rate of recidivism of juvenile  
4 offenders in such judicial district.

5 **New Sec. 17. (a) The secretary of corrections may contract for use  
6 of not more than 50 non-foster home beds in youth residential facilities  
7 for placement of juvenile offenders pursuant to K.S.A. 2015 Supp. 38-  
8 2361(a)(13), and amendments thereto.**

9 **(b) When contracting for services, the secretary shall:**

10 **(1) Contract with facilities that have high success rates and  
11 decrease recidivism rates for juvenile offenders;**

12 **(2) consider contracting for bed space across the entire state to  
13 lower the cost of transportation of juvenile offenders; and**

14 **(3) give priority to existing facilities that are able to meet the  
15 requirements of the secretary for providing residential services to  
16 juvenile offenders.**

17 **(d) This section shall take effect on and after January 1, 2018.**

18 ~~Sec. 16-17.~~ **18.** K.S.A. 2015 Supp. 8-241 is hereby amended to read  
19 as follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-  
20 2,142, and amendments thereto, any person licensed to operate a motor  
21 vehicle in this state shall submit to an examination whenever: (1) The  
22 division of vehicles has good cause to believe that such person is  
23 incompetent or otherwise not qualified to be licensed; or (2) the division of  
24 vehicles has suspended such person's license pursuant to K.S.A. 8-1014,  
25 and amendments thereto, as the result of a test refusal, test failure or  
26 conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a  
27 violation of a city ordinance or county resolution prohibiting the acts  
28 prohibited by K.S.A. 8-1567, and amendments thereto, except that no  
29 person shall have to submit to and successfully complete an examination  
30 more than once as the result of separate suspensions arising out of the  
31 same occurrence.

32 (b) When a person is required to submit to an examination pursuant  
33 to subsection (a)(1), the fee for such examination shall be in the amount  
34 provided by K.S.A. 8-240, and amendments thereto. When a person is  
35 required to submit to an examination pursuant to subsection (a)(2), the fee  
36 for such examination shall be \$25. In addition, any person required to  
37 submit to an examination pursuant to subsection (a)(2) as the result of a  
38 test failure, a conviction for a violation of K.S.A. 8-1567, and amendments  
39 thereto, or a violation of a city ordinance or county resolution prohibiting  
40 the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be  
41 required, at the time of examination, to pay a reinstatement fee of \$200  
42 after the first occurrence, \$400 after the second occurrence, \$600 after the  
43 third occurrence and \$800 after the fourth or subsequent occurrence; and

1 as a result of a test refusal, a conviction for a violation of K.S.A. 2015  
2 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance  
3 or county resolution prohibiting the acts prohibited by K.S.A. 2015 Supp.  
4 8-1025, and amendments thereto, shall be required, at the time of  
5 examination, to pay a reinstatement fee of \$600 after the first occurrence,  
6 \$900 after the second occurrence, \$1,200 after the third occurrence and  
7 \$1,500 after the fourth or subsequent occurrence.

8 (1) All examination fees collected pursuant to this section shall be  
9 remitted to the state treasurer, in accordance with the provisions of K.S.A.  
10 75-4215, and amendments thereto, who shall deposit the entire amount in  
11 the state treasury and credit 80% to the state highway fund and 20% shall  
12 be disposed of as provided in K.S.A. 8-267, and amendments thereto.

13 (2) On and after July 1, 2014, through June 30, 2018, all  
14 reinstatement fees collected pursuant to this section shall be remitted to the  
15 state treasurer, in accordance with the provisions of K.S.A. 75-4215, and  
16 amendments thereto, who shall deposit the entire amount in the state  
17 treasury and credit 26% to the community alcoholism and intoxication  
18 programs fund created pursuant to K.S.A. 41-1126, and amendments  
19 thereto, 12% to the juvenile *alternatives to detention-facilities* fund created  
20 by K.S.A. 79-4803, and amendments thereto, 12% to the forensic  
21 laboratory and materials fee fund created by K.S.A. 28-176, and  
22 amendments thereto, 17% to the driving under the influence fund created  
23 by K.S.A. 75-5660, and amendments thereto, and 33% to the judicial  
24 branch nonjudicial salary adjustment fund created by K.S.A. 20-1a15, and  
25 amendments thereto. Moneys credited to the forensic laboratory and  
26 materials fee fund as provided herein shall be used to supplement existing  
27 appropriations and shall not be used to supplant general fund  
28 appropriations to the Kansas bureau of investigation.

29 (3) On and after July 1, 2018, all reinstatement fees collected  
30 pursuant to this section shall be remitted to the state treasurer, in  
31 accordance with the provisions of K.S.A. 75-4215, and amendments  
32 thereto, who shall deposit the entire amount in the state treasury and credit  
33 35% to the community alcoholism and intoxication programs fund created  
34 pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile  
35 *alternatives to detention-facilities* fund created by K.S.A. 79-4803, and  
36 amendments thereto, 20% to the forensic laboratory and materials fee fund  
37 created by K.S.A. 28-176, and amendments thereto, and 25% to the  
38 driving under the influence fund created by K.S.A. 75-5660, and  
39 amendments thereto. Moneys credited to the forensic laboratory and  
40 materials fee fund as provided herein shall be used to supplement existing  
41 appropriations and shall not be used to supplant general fund  
42 appropriations to the Kansas bureau of investigation.

43 (c) When an examination is required pursuant to subsection (a), at

1 least five days' written notice of the examination shall be given to the  
2 licensee. The examination administered hereunder shall be at least  
3 equivalent to the examination required by K.S.A. 8-247(e), and  
4 amendments thereto, with such additional tests as the division deems  
5 necessary. Upon the conclusion of such examination, the division shall  
6 take action as may be appropriate and may suspend or revoke the license  
7 of such person or permit the licensee to retain such license, or may issue a  
8 license subject to restrictions as permitted under K.S.A. 8-245, and  
9 amendments thereto.

10 (d) Refusal or neglect of the licensee to submit to an examination as  
11 required by this section shall be grounds for suspension or revocation of  
12 the license.

13 (e) The division may issue a driver's license with a DUI-IID  
14 designation for a licensee that is operating under ignition interlock  
15 restrictions required by K.S.A. 8-1014, and amendments thereto. The  
16 reexamination requirement in subsection (a)(2) shall not require  
17 reexamination and payment of reinstatement fees until the end of the  
18 licensee's ignition interlock restriction period. If the applicant's Kansas  
19 driver's license has been expired for one year or more, the applicant must  
20 complete a reexamination and pay any applicable reinstatement fees before  
21 qualifying for a driver's license with an ignition interlock designation. All  
22 other requirements for issuance and renewal of a driver's license under  
23 K.S.A. 8-240, and amendments thereto, shall continue to apply. The  
24 renewal periods and other requirements in K.S.A. 8-247, and amendments  
25 thereto, shall apply. The fees charged for the driver's license with ignition  
26 interlock designation shall include: (1) The fee amounts set out in K.S.A.  
27 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of  
28 revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3)  
29 a \$10 fee to the DUI-IID designation fund. There is hereby created in the  
30 state treasury the DUI-IID designation fund. All moneys credited to the  
31 DUI-IID designation fund shall be used by the department of revenue only  
32 for the purpose of funding the administration and oversight of state  
33 certified ignition interlock manufacturers and their service providers.

34 ~~Sec. 17-18.~~ **19.** K.S.A. 2015 Supp. 8-2110 is hereby amended to read  
35 as follows: 8-2110. (a) Failure to comply with a traffic citation means  
36 failure either to: (1) Appear before any district or municipal court in  
37 response to a traffic citation and pay in full any fine and court costs  
38 imposed; or (2) otherwise comply with a traffic citation as provided in  
39 K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic  
40 citation is a misdemeanor, regardless of the disposition of the charge for  
41 which such citation was originally issued.

42 (b) (1) In addition to penalties of law applicable under subsection (a),  
43 when a person fails to comply with a traffic citation, except for illegal

1 parking, standing or stopping, the district or municipal court in which the  
2 person should have complied with the citation shall mail notice to the  
3 person that if the person does not appear in district or municipal court or  
4 pay all fines, court costs and any penalties within 30 days from the date of  
5 mailing notice, the division of vehicles will be notified to suspend the  
6 person's driving privileges. The district or municipal court may charge an  
7 additional fee of \$5 for mailing such notice. Upon the person's failure to  
8 comply within such 30 days of mailing notice, the district or municipal  
9 court shall electronically notify the division of vehicles. Upon receipt of a  
10 report of a failure to comply with a traffic citation under this subsection,  
11 pursuant to K.S.A. 8-255, and amendments thereto, the division of  
12 vehicles shall notify the violator and suspend the license of the violator  
13 until satisfactory evidence of compliance with the terms of the traffic  
14 citation has been furnished to the informing court. When the court  
15 determines the person has complied with the terms of the traffic citation,  
16 the court shall immediately electronically notify the division of vehicles of  
17 such compliance. Upon receipt of notification of such compliance from the  
18 informing court, the division of vehicles shall terminate the suspension or  
19 suspension action.

20 (2) (A) In lieu of suspension under paragraph (1), the driver may  
21 submit to the division of vehicles a written request for restricted driving  
22 privileges, with a non-refundable \$25 application fee, to be applied by the  
23 division of vehicles for additional administrative costs to implement  
24 restricted driving privileges. The division shall remit all restricted driving  
25 privilege application fees to the state treasurer in accordance with the  
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
27 each such remittance, the state treasurer shall deposit the entire amount in  
28 the state treasury to the credit of the division of vehicles operating fund.

29 (B) A person whose driver's license has expired during the period  
30 when such person's driver's license has been suspended for failure to pay  
31 fines for traffic citations, the driver may submit to the division of vehicles  
32 a written request for restricted driving privileges, with a non-refundable  
33 \$25 application fee, to be applied by the division of vehicles for additional  
34 administrative costs to implement restricted driving privileges. The  
35 division shall remit all restricted driving privilege application fees to the  
36 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
37 amendments thereto. Upon receipt of each such remittance, the state  
38 treasurer shall deposit the entire amount in the state treasury to the credit  
39 of the division of vehicles operating fund. An individual shall not qualify  
40 for restricted driving privileges pursuant to this section unless the  
41 following conditions are met: (i) The suspended license that expired was  
42 issued by the division of vehicles; (ii) the suspended license resulted from  
43 the individual's failure to comply with a traffic citation pursuant to

1 subsection (b)(1); (iii) the traffic citation that resulted in the failure to  
2 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the  
3 individual has not previously received a stayed suspension as a result of a  
4 driving while suspended conviction.

5 (C) Upon review and approval of the driver's eligibility, the driving  
6 privileges will be restricted by the division of vehicles for a period up to  
7 one year or until the terms of the traffic citation have been complied with  
8 and the court shall immediately electronically notify the division of  
9 vehicles of such compliance. If the driver fails to comply with the traffic  
10 citation within the one year restricted period, the driving privileges will be  
11 suspended by the division of vehicles until the court determines the person  
12 has complied with the terms of the traffic citation and the court shall  
13 immediately electronically notify the division of vehicles of such  
14 compliance. Upon receipt of notification of such compliance from the  
15 informing court, the division of vehicles shall terminate the suspension  
16 action. When restricted driving privileges are approved pursuant to this  
17 section, the person's driving privileges shall be restricted to driving only  
18 under the following circumstances: (i) In going to or returning from the  
19 person's place of employment or schooling; (ii) in the course of the  
20 person's employment; (iii) in going to or returning from an appointment  
21 with a health care provider or during a medical emergency; and (iv) in  
22 going to and returning from probation or parole meetings, drug or alcohol  
23 counseling or any place the person is required to go by a court.

24 (c) Except as provided in subsection (d), when the district or  
25 municipal court notifies the division of vehicles of a failure to comply with  
26 a traffic citation pursuant to subsection (b), the court shall assess a  
27 reinstatement fee of \$59 for each charge on which the person failed to  
28 make satisfaction regardless of the disposition of the charge for which  
29 such citation was originally issued and regardless of any application for  
30 restricted driving privileges. Such reinstatement fee shall be in addition to  
31 any fine, restricted driving privilege application fee, district or municipal  
32 court costs and other penalties. The court shall remit all reinstatement fees  
33 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
34 and amendments thereto. Upon receipt of each such remittance, the state  
35 treasurer shall deposit the entire amount in the state treasury and shall  
36 credit 42.37% of such moneys to the division of vehicles operating fund,  
37 31.78% to the community alcoholism and intoxication programs fund  
38 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the  
39 juvenile *alternatives to detention—facilities* fund created by K.S.A. 79-  
40 4803, and amendments thereto, and 15.26% to the judicial branch  
41 nonjudicial salary adjustment fund created by K.S.A. 2015 Supp. 20-1a15,  
42 and amendments thereto.

43 (d) The district court or municipal court shall waive the reinstatement



1 fee provided for in subsection (c), if the failure to comply with a traffic  
2 citation was the result of such person enlisting in or being drafted into the  
3 armed services of the United States, being called into service as a member  
4 of a reserve component of the military service of the United States, or  
5 volunteering for such active duty, or being called into service as a member  
6 of the state of Kansas national guard, or volunteering for such active duty,  
7 and being absent from Kansas because of such military service. In any  
8 case of a failure to comply with a traffic citation which occurred on or  
9 after August 1, 1990, and prior to the effective date of this act, in which a  
10 person was assessed and paid a reinstatement fee and the person failed to  
11 comply with a traffic citation because the person was absent from Kansas  
12 because of any such military service, the reinstatement fee shall be  
13 reimbursed to such person upon application therefor. The state treasurer  
14 and the director of accounts and reports shall prescribe procedures for all  
15 such reimbursement payments and shall create appropriate accounts, make  
16 appropriate accounting entries and issue such appropriate vouchers and  
17 warrants as may be required to make such reimbursement payments.

18 (e) Except as provided further, the reinstatement fee established in  
19 this section shall be the only fee collected or moneys in the nature of a fee  
20 collected for such reinstatement. Such fee shall only be established by an  
21 act of the legislature and no other authority is established by law or  
22 otherwise to collect a fee. On and after July 1, 2015, through June 30,  
23 2017, the supreme court may impose an additional charge, not to exceed  
24 \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

25 ~~Sec. 18-19.~~ **20.** K.S.A. 12-4112 is hereby amended to read as  
26 follows: 12-4112. No person shall be assessed costs for the administration  
27 of justice in any municipal court case, except for witness fees and mileage  
28 as set forth in K.S.A. 12-4411, and amendments thereto; for the  
29 assessment required by K.S.A. ~~2001~~ 2015 Supp. 20-1a11, and amendments  
30 thereto; for the judicial branch education fund; for the assessment required  
31 by K.S.A. 12-4117, and amendments thereto, for the law enforcement  
32 training center fund established pursuant to K.S.A. 74-5619, and  
33 amendments thereto, the local law enforcement training reimbursement  
34 fund established pursuant to K.S.A. 74-5620, and amendments thereto, and  
35 the juvenile *alternatives to detention facilities* fund as provided in K.S.A.  
36 12-4117, and amendments thereto; and for the assessment required by  
37 K.S.A. 12-16,119, and amendments thereto, for the detention facility  
38 processing fee.

39 ~~Sec. 19-20.~~ **21.** K.S.A. 2015 Supp. 12-4117 is hereby amended to  
40 read as follows: 12-4117. (a) In each case filed in municipal court other  
41 than a nonmoving traffic violation, where there is a finding of guilty or a  
42 plea of guilty, a plea of no contest, forfeiture of bond or a diversion, a sum  
43 in an amount of \$20 shall be assessed and such assessment shall be

1 credited as follows:

2 One dollar to the local law enforcement training reimbursement fund  
3 established pursuant to K.S.A. 74-5620, and amendments thereto, \$11.50  
4 to the law enforcement training center fund established pursuant to K.S.A.  
5 74-5619, and amendments thereto, \$2.50 to the Kansas commission on  
6 peace officers' standards and training fund established by K.S.A. 74-5619,  
7 and amendments thereto, \$2 to the juvenile *alternatives to* detention  
8 ~~facilities~~ fund established pursuant to K.S.A. 79-4803, and amendments  
9 thereto, to be expended for operational costs of facilities for the detention  
10 of juveniles, \$.50 to the protection from abuse fund established pursuant to  
11 K.S.A. 74-7325, and amendments thereto, \$.50 to the crime victims  
12 assistance fund established pursuant to K.S.A. 74-7334, and amendments  
13 thereto, \$1 to the trauma fund established pursuant to K.S.A. 2015 Supp.  
14 75-5670, and amendments thereto, and \$1 to the department of corrections  
15 forensic psychologist fund established pursuant to K.S.A. 2015 Supp. 75-  
16 52,151, and amendments thereto.

17 (b) The judge or clerk of the municipal court shall remit the  
18 appropriate assessments received pursuant to this section to the state  
19 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
20 amendments thereto. Upon receipt of each such remittance, the state  
21 treasurer shall deposit the entire amount in the state treasury to the credit  
22 of the local law enforcement training reimbursement fund, the law  
23 enforcement training center fund, the Kansas commission on peace  
24 officers' standards and training fund, the juvenile *alternatives to* detention  
25 ~~facilities~~ fund, the crime victims assistance fund, the trauma fund and the  
26 department of corrections forensic psychologist fund as provided in this  
27 section.

28 (c) For the purpose of determining the amount to be assessed  
29 according to this section, if more than one complaint is filed in the  
30 municipal court against one individual arising out of the same incident, all  
31 such complaints shall be considered as one case.

32 ~~Sec. 20-21. 22.~~ K.S.A. 20-167 is hereby amended to read as follows:  
33 20-167. ~~On and after July 1, 1997:~~(a) The supreme court may establish a  
34 supervision fee schedule to be charged *to* a juvenile offender, or the parent  
35 or guardian of such juvenile offender, if the juvenile offender is under the  
36 age of 18, for services rendered *to* the juvenile who is:

- 37 (1) Placed on probation;
- 38 (2) placed in juvenile community correctional services;
- 39 (3) placed in a community placement;
- 40 (4) placed on conditional release pursuant to K.S.A. ~~2007~~ 2015 Supp.  
41 38-2374, and amendments thereto; or
- 42 (5) using any other juvenile justice program available in the judicial  
43 district.

1 (b) The supervision fee established by this section shall be charged  
2 and collected by the clerk of the district court.

3 (c) All moneys collected by this section shall be paid into the county  
4 general fund and used to fund community juvenile justice programs.

5 ~~(d) The juvenile offender shall not be eligible for early release from  
6 supervision unless the supervision fee has been paid.~~

7 (e) An annual report shall be filed with the ~~commissioner of juvenile  
8 justice~~ *secretary of corrections* from every judicial district concerning the  
9 supervision fees. The report shall include figures concerning: (1) The  
10 amount of supervision fees ordered to be paid; (2) the amount of  
11 supervision fees actually paid; and (3) the amount of expenditures and to  
12 whom such expenditures were paid.

13 (f) (e) The court may waive all or part of the supervision fee  
14 established by this section upon a showing that such fee will result in an  
15 undue hardship to such juvenile offender or the parent or guardian of such  
16 juvenile offender.

17 ~~Sec. 21-22.~~ **23.** *On and after July 1, 2019*, K.S.A. 2015 Supp. 38-  
18 2202 is hereby amended to read as follows: 38-2202. As used in the  
19 revised Kansas code for care of children, unless the context otherwise  
20 indicates:

21 (a) "Abandon" or "abandonment" means to forsake, desert or, without  
22 making appropriate provision for substitute care, cease providing care for  
23 the child.

24 (b) "Adult correction facility" means any public or private facility,  
25 secure or nonsecure, which is used for the lawful custody of accused or  
26 convicted adult criminal offenders.

27 (c) "Aggravated circumstances" means the abandonment, torture,  
28 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

29 (d) "Child in need of care" means a person less than 18 years of age  
30 at the time of filing of the petition or issuance of an ex parte protective  
31 custody order pursuant to K.S.A. 2015 Supp. 38-2242, and amendments  
32 thereto, who:

33 (1) Is without adequate parental care, control or subsistence and the  
34 condition is not due solely to the lack of financial means of the child's  
35 parents or other custodian;

36 (2) is without the care or control necessary for the child's physical,  
37 mental or emotional health;

38 (3) has been physically, mentally or emotionally abused or neglected  
39 or sexually abused;

40 (4) has been placed for care or adoption in violation of law;

41 (5) has been abandoned or does not have a known living parent;

42 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,  
43 and amendments thereto;

1 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-  
2 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2015 Supp. 21-6301(a)(14),  
3 and amendments thereto, or, except as provided in paragraph (12), does an  
4 act which, when committed by a person under 18 years of age, is  
5 prohibited by state law, city ordinance or county resolution but which is  
6 not prohibited when done by an adult;

7 (8) while less than 10 years of age, commits any act which if done by  
8 an adult would constitute the commission of a felony or misdemeanor as  
9 defined by K.S.A. 2015 Supp. 21-5102, and amendments thereto;

10 (9) is willfully and voluntarily absent from the child's home without  
11 the consent of the child's parent or other custodian;

12 (10) is willfully and voluntarily absent at least a second time from a  
13 court ordered or designated placement, or a placement pursuant to court  
14 order, if the absence is without the consent of the person with whom the  
15 child is placed or, if the child is placed in a facility, without the consent of  
16 the person in charge of such facility or such person's designee;

17 (11) has been residing in the same residence with a sibling or another  
18 person under 18 years of age, who has been physically, mentally or  
19 emotionally abused or neglected, or sexually abused;

20 (12) while less than 10 years of age commits the offense defined in  
21 K.S.A. 2015 Supp. 21-6301(a)(14), and amendments thereto; or

22 (13) has had a permanent custodian appointed and the permanent  
23 custodian is no longer able or willing to serve.

24 (e) "Citizen review board" is a group of community volunteers  
25 appointed by the court and whose duties are prescribed by K.S.A. 2015  
26 Supp. 38-2207 and 38-2208, and amendments thereto.

27 (f) "Civil custody case" includes any case filed under chapter 23 of  
28 the Kansas Statutes Annotated, and amendments thereto, the Kansas  
29 family law code, article 11, of chapter 38 of the Kansas Statutes  
30 Annotated, and amendments thereto, determination of parentage, article 21  
31 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,  
32 adoption and relinquishment act, or article 30 of chapter 59 of the Kansas  
33 Statutes Annotated, and amendments thereto, guardians and conservators.

34 (g) "Court-appointed special advocate" means a responsible adult  
35 other than an attorney guardian ad litem who is appointed by the court to  
36 represent the best interests of a child, as provided in K.S.A. 2015 Supp.  
37 38-2206, and amendments thereto, in a proceeding pursuant to this code.

38 (h) "Custody" whether temporary, protective or legal, means the  
39 status created by court order or statute which vests in a custodian, whether  
40 an individual or an agency, the right to physical possession of the child and  
41 the right to determine placement of the child, subject to restrictions placed  
42 by the court.

43 (i) "Extended out of home placement" means a child has been in the

1 custody of the secretary and placed with neither parent for 15 of the most  
2 recent 22 months beginning 60 days after the date at which a child in the  
3 custody of the secretary was removed from the home.

4 (j) "Educational institution" means all schools at the elementary and  
5 secondary levels.

6 (k) "Educator" means any administrator, teacher or other professional  
7 or paraprofessional employee of an educational institution who has  
8 exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments  
9 thereto.

10 (l) "Harm" means physical or psychological injury or damage.

11 (m) "Interested party" means the grandparent of the child, a person  
12 with whom the child has been living for a significant period of time when  
13 the child in need of care petition is filed, and any person made an  
14 interested party by the court pursuant to K.S.A. 2015 Supp. 38-2241, and  
15 amendments thereto, or Indian tribe seeking to intervene that is not a party.

16 (n) "Jail" means:

17 (1) An adult jail or lockup; or

18 (2) a facility in the same building or on the same grounds as an adult  
19 jail or lockup, unless the facility meets all applicable standards and  
20 licensure requirements under law and there is: (A) Total separation of the  
21 juvenile and adult facility spatial areas such that there could be no  
22 haphazard or accidental contact between juvenile and adult residents in the  
23 respective facilities; (B) total separation in all juvenile and adult program  
24 activities within the facilities, including recreation, education, counseling,  
25 health care, dining, sleeping and general living activities; and (C) separate  
26 juvenile and adult staff, including management, security staff and direct  
27 care staff such as recreational, educational and counseling.

28 (o) "Juvenile detention facility" means any secure public or private  
29 facility used for the lawful custody of accused or adjudicated juvenile  
30 offenders which must not be a jail.

31 (p) "Juvenile intake and assessment worker" means a responsible  
32 adult authorized to perform intake and assessment services as part of the  
33 intake and assessment system established pursuant to K.S.A. 75-7023, and  
34 amendments thereto.

35 (q) "Kinship care" means the placement of a child in the home of the  
36 child's relative or in the home of another adult with whom the child or the  
37 child's parent already has a close emotional attachment.

38 (r) "Law enforcement officer" means any person who by virtue of  
39 office or public employment is vested by law with a duty to maintain  
40 public order or to make arrests for crimes, whether that duty extends to all  
41 crimes or is limited to specific crimes.

42 (s) "Multidisciplinary team" means a group of persons, appointed by  
43 the court under K.S.A. 2015 Supp. 38-2228, and amendments thereto,

1 which has knowledge of the circumstances of a child in need of care.

2 (t) "Neglect" means acts or omissions by a parent, guardian or person  
3 responsible for the care of a child resulting in harm to a child, or  
4 presenting a likelihood of harm, and the acts or omissions are not due  
5 solely to the lack of financial means of the child's parents or other  
6 custodian. Neglect may include, but shall not be limited to:

7 (1) Failure to provide the child with food, clothing or shelter  
8 necessary to sustain the life or health of the child;

9 (2) failure to provide adequate supervision of a child or to remove a  
10 child from a situation which requires judgment or actions beyond the  
11 child's level of maturity, physical condition or mental abilities and that  
12 results in bodily injury or a likelihood of harm to the child; or

13 (3) failure to use resources available to treat a diagnosed medical  
14 condition if such treatment will make a child substantially more  
15 comfortable, reduce pain and suffering, or correct or substantially diminish  
16 a crippling condition from worsening. A parent legitimately practicing  
17 religious beliefs who does not provide specified medical treatment for a  
18 child because of religious beliefs shall not for that reason be considered a  
19 negligent parent; however, this exception shall not preclude a court from  
20 entering an order pursuant to K.S.A. 2015 Supp. 38-2217(a)(2), and  
21 amendments thereto.

22 (u) "Parent" when used in relation to a child or children, includes a  
23 guardian and every person who is by law liable to maintain, care for or  
24 support the child.

25 (v) "Party" means the state, the petitioner, the child, any parent of the  
26 child and an Indian child's tribe intervening pursuant to the Indian child  
27 welfare act.

28 (w) "Permanency goal" means the outcome of the permanency  
29 planning process which may be reintegration, adoption, appointment of a  
30 permanent custodian or another planned permanent living arrangement.

31 (x) "Permanent custodian" means a judicially approved permanent  
32 guardian of a child pursuant to K.S.A. 2015 Supp. 38-2272, and  
33 amendments thereto.

34 (y) "Physical, mental or emotional abuse" means the infliction of  
35 physical, mental or emotional harm or the causing of a deterioration of a  
36 child and may include, but shall not be limited to, maltreatment or  
37 exploiting a child to the extent that the child's health or emotional well-  
38 being is endangered.

39 (z) "Placement" means the designation by the individual or agency  
40 having custody of where and with whom the child will live.

41 (aa) "Relative" means a person related by blood, marriage or adoption  
42 but, when referring to a relative of a child's parent, does not include the  
43 child's other parent.

1 (bb) "Secretary" means the secretary of the department for children  
2 and families or the secretary's designee.

3 (cc) "Secure facility" means a facility, other than a staff secure  
4 facility *or juvenile detention facility* which is operated or structured so as  
5 to ensure that all entrances and exits from the facility are under the  
6 exclusive control of the staff of the facility, whether or not the person  
7 being detained has freedom of movement within the perimeters of the  
8 facility, or which relies on locked rooms and buildings, fences or physical  
9 restraint in order to control behavior of its residents. No secure facility  
10 shall be in a city or county jail.

11 (dd) "Sexual abuse" means any contact or interaction with a child in  
12 which the child is being used for the sexual stimulation of the perpetrator,  
13 the child or another person. Sexual abuse shall include allowing,  
14 permitting or encouraging a child to engage in the sale of sexual relations  
15 or commercial sexual exploitation of a child, or to be photographed, filmed  
16 or depicted in pornographic material. Sexual abuse also shall include  
17 allowing, permitting or encouraging a child to engage in aggravated  
18 human trafficking, as defined in K.S.A. 2015 Supp. 21-5426(b), and  
19 amendments thereto, if committed in whole or in part for the purpose of  
20 the sexual gratification of the offender or another.

21 (ee) "Shelter facility" means any public or private facility or home,  
22 other than a juvenile detention facility or staff secure facility, that may be  
23 used in accordance with this code for the purpose of providing either  
24 temporary placement for children in need of care prior to the issuance of a  
25 dispositional order or longer term care under a dispositional order.

26 (ff) "Staff secure facility" means a facility described in K.S.A. 2015  
27 Supp. 65-535, and amendments thereto: (1) That does not include  
28 construction features designed to physically restrict the movements and  
29 activities of juvenile residents who are placed therein; (2) that may  
30 establish reasonable rules restricting entrance to and egress from the  
31 facility; and (3) in which the movements and activities of individual  
32 juvenile residents may, for treatment purposes, be restricted or subject to  
33 control through the use of intensive staff supervision. No staff secure  
34 facility shall be in a city or county jail.

35 (gg) "Transition plan" means, when used in relation to a youth in the  
36 custody of the secretary, an individualized strategy for the provision of  
37 medical, mental health, education, employment and housing supports as  
38 needed for the adult and, if applicable, for any minor child of the adult, to  
39 live independently and specifically provides for the supports and any  
40 services for which an adult with a disability is eligible including, but not  
41 limited to, funding for home and community based services waivers.

42 (hh) "Youth residential facility" means any home, foster home or  
43 structure which provides 24-hour-a-day care for children and which is

1 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes  
2 Annotated, and amendments thereto. ~~Youth residential facilities shall~~  
3 ~~maintain sight and sound separation between children in need of care~~  
4 ~~that have an open juvenile offender case and children in need of care~~  
5 ~~that do not have an open juvenile offender case.~~

6 Sec. ~~22-23~~ 24. On and after July 1, 2017 2019, K.S.A. 2015 Supp.  
7 38-2232 is hereby amended to read as follows: 38-2232. (a) (1) To the  
8 extent possible, when any law enforcement officer takes into custody a  
9 child under the age of 18 years without a court order, the child shall  
10 ~~forthwith~~ promptly be delivered to the custody of the child's parent or other  
11 custodian unless there are reasonable grounds to believe that such action  
12 would not be in the best interests of the child.

13 (2) Except as provided in subsection (b), if the child is not delivered  
14 to the custody of the child's parent or other custodian, the child shall  
15 ~~forthwith~~ promptly be delivered to a shelter facility designated by the  
16 court, court services officer, juvenile intake and assessment worker,  
17 licensed attendant care center or other person or, if the child is 15 years of  
18 age or younger, or 16 or 17 years of age if the child has no identifiable  
19 parental or family resources or shows signs of physical, mental, emotional  
20 or sexual abuse, to a facility or person designated by the secretary.

21 (3) If, after delivery of the child to a shelter facility, the person in  
22 charge of the shelter facility at that time and the law enforcement officer  
23 determine that the child will not remain in the shelter facility and if the  
24 child is presently alleged, but not yet adjudicated, to be a child in need of  
25 care solely pursuant to ~~subsection (d)(9) or (d)(10) of K.S.A. 2015 Supp.~~  
26 ~~38-2202(d)(9) or (d)(10)~~, and amendments thereto, the law enforcement  
27 officer shall deliver the child to a ~~juvenile detention facility or other secure~~  
28 facility, designated by the court, where the child shall be detained for not  
29 more than 24 hours, excluding Saturdays, Sundays, legal holidays, and  
30 days on which the office of the clerk of the court is not accessible.

31 (4) No child taken into custody pursuant to this code shall be placed  
32 in a ~~juvenile detention facility or other secure facility~~, except as authorized  
33 by this section and by K.S.A. 2015 Supp. 38-2242, 38-2243 and 38-2260,  
34 and amendments thereto.

35 (5) It shall be the duty of the law enforcement officer to furnish to the  
36 county or district attorney, without unnecessary delay, all the information  
37 in the possession of the officer pertaining to the child, the child's parents or  
38 other persons interested in or likely to be interested in the child and all  
39 other facts and circumstances which caused the child to be taken into  
40 custody.

41 (b) (1) When any law enforcement officer takes into custody any  
42 child as provided in ~~subsection (b)(2) of K.S.A. 2015 Supp. 38-2231(b)(2)~~,  
43 and amendments thereto, proceedings shall be initiated in accordance with



1 the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et  
2 seq., and amendments thereto, or K.S.A. 2015 Supp. 38-1008, and  
3 amendments thereto, when effective. Any child taken into custody  
4 pursuant to the interstate compact on juveniles may be detained in a  
5 juvenile detention facility or other secure facility.

6 (2) When any law enforcement officer takes into custody any child as  
7 provided in ~~subsection (b)(3) of~~ K.S.A. 2015 Supp. 38-2231 ~~(b)(3)~~, and  
8 amendments thereto, the law enforcement officer shall place the child in  
9 protective custody and may deliver the child to a staff secure facility. The  
10 law enforcement officer shall contact the department for children and  
11 families to begin an assessment to determine safety, placement and  
12 treatment needs for the child. Such child shall not be placed in a ~~juvenile~~  
13 ~~detention facility or other~~ secure facility, except as authorized by this  
14 section and by K.S.A. 2015 Supp. 38-2242, 38-2243 and 38-2260, and  
15 amendments thereto.

16 (c) Whenever a child under the age of 18 years is taken into custody  
17 by a law enforcement officer without a court order and is thereafter placed  
18 as authorized by subsection (a), the facility or person shall, upon written  
19 application of the law enforcement officer, have physical custody and  
20 provide care and supervision for the child. The application shall state:

21 (1) The name and address of the child, if known;

22 (2) The names and addresses of the child's parents or nearest relatives  
23 and persons with whom the child has been residing, if known; and

24 (3) the officer's belief that the child is a child in need of care and that  
25 there are reasonable grounds to believe that the circumstances or condition  
26 of the child is such that the child would be harmed unless placed in the  
27 immediate custody of the shelter facility or other person.

28 (d) A copy of the application shall be furnished by the facility or  
29 person receiving the child to the county or district attorney without  
30 unnecessary delay.

31 (e) The shelter facility or other person designated by the court who  
32 has custody of the child pursuant to this section shall discharge the child  
33 not later than 72 hours following admission, excluding Saturdays,  
34 Sundays, legal holidays, and days on which the office of the clerk of the  
35 court is not accessible, unless a court has entered an order pertaining to  
36 temporary custody or release.

37 (f) In absence of a court order to the contrary, the county or district  
38 attorney or the placing law enforcement agency shall have the authority to  
39 direct the release of the child at any time.

40 (g) When any law enforcement officer takes into custody any child as  
41 provided in ~~subsection (d) of~~ K.S.A. 2015 Supp. 38-2231 ~~(d)~~, and  
42 amendments thereto, the child shall ~~forthwith~~ *promptly* be delivered to the  
43 school in which the child is enrolled, any location designated by the school

1 in which the child is enrolled or the child's parent or other custodian.

2 ~~Sec. 23-24.~~ **25.** On and after July 1, ~~2017~~ **2019**, K.S.A. 2015 Supp.  
3 38-2242 is hereby amended to read as follows: 38-2242. (a) The court,  
4 upon verified application, may issue ex parte an order directing that a child  
5 be held in protective custody and, if the child has not been taken into  
6 custody, an order directing that the child be taken into custody. The  
7 application shall state for each child:

8 (1) The applicant's belief that the child is a child in need of care;

9 (2) that the child is likely to sustain harm if not immediately removed  
10 from the home;

11 (3) that allowing the child to remain in the home is contrary to the  
12 welfare of the child; and

13 (4) the facts relied upon to support the application, including efforts  
14 known to the applicant to maintain the family unit and prevent the  
15 unnecessary removal of the child from the child's home, or the specific  
16 facts supporting that an emergency exists which threatens the safety of the  
17 child.

18 (b) (1) The order of protective custody may be issued only after the  
19 court has determined there is probable cause to believe the allegations in  
20 the application are true. The order shall remain in effect until the  
21 temporary custody hearing provided for in K.S.A. 2015 Supp. 38-2243,  
22 and amendments thereto, unless earlier rescinded by the court.

23 (2) No child shall be held in protective custody for more than 72  
24 hours, excluding Saturdays, Sundays, legal holidays, and days on which  
25 the office of the clerk of the court is not accessible, unless within the 72-  
26 hour period a determination is made as to the necessity for temporary  
27 custody in a temporary custody hearing. The time spent in custody  
28 pursuant to K.S.A. 2015 Supp. 38-2232, and amendments thereto, shall be  
29 included in calculating the 72-hour period. Nothing in this subsection shall  
30 be construed to mean that the child must remain in protective custody for  
31 72 hours. If a child is in the protective custody of the secretary, the  
32 secretary shall allow at least one supervised visit between the child and the  
33 parent or parents within such time period as the child is in protective  
34 custody. The court may prohibit such supervised visit if the court  
35 determines it is not in the best interest of the child.

36 (c) (1) Whenever the court determines the necessity for an order of  
37 protective custody, the court may place the child in the protective custody  
38 of:

39 (A) A parent or other person having custody of the child and may  
40 enter a restraining order pursuant to subsection (e);

41 (B) a person, other than the parent or other person having custody,  
42 who shall not be required to be licensed under article 5 of chapter 65 of the  
43 Kansas Statutes Annotated, and amendments thereto;

1 (C) a youth residential facility;

2 (D) a shelter facility;

3 (E) a staff secure facility, notwithstanding any other provision of law,  
4 if the child has been subjected to human trafficking or aggravated human  
5 trafficking, as defined by K.S.A. 2015 Supp. 21-5426, and amendments  
6 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.  
7 2015 Supp. 21-6422, and amendments thereto, or the child committed an  
8 act which, if committed by an adult, would constitute a violation of K.S.A.  
9 2015 Supp. 21-6419, and amendments thereto; or

10 (F) the secretary, if the child is 15 years of age or younger, or 16 or  
11 17 years of age if the child has no identifiable parental or family resources  
12 or shows signs of physical, mental, emotional or sexual abuse.

13 (2) If the secretary presents the court with a plan to provide services  
14 to a child or family which the court finds will assure the safety of the  
15 child, the court may only place the child in the protective custody of the  
16 secretary until the court finds the services are in place. The court shall  
17 have the authority to require any person or entity agreeing to participate in  
18 the plan to perform as set out in the plan. When the child is placed in the  
19 protective custody of the secretary, the secretary shall have the  
20 discretionary authority to place the child with a parent or to make other  
21 suitable placement for the child. When the child is placed in the temporary  
22 custody of the secretary and the child has been subjected to human  
23 trafficking or aggravated human trafficking, as defined by K.S.A. 2015  
24 Supp. 21-5426, and amendments thereto, or commercial sexual  
25 exploitation of a child, as defined by K.S.A. 2015 Supp. 21-6422, and  
26 amendments thereto, or the child committed an act which, if committed by  
27 an adult, would constitute a violation of K.S.A. 2015 Supp. 21-6419, and  
28 amendments thereto, the secretary shall have the discretionary authority to  
29 place the child in a staff secure facility, notwithstanding any other  
30 provision of law. When the child is presently alleged, but not yet  
31 adjudicated, to be a child in need of care solely pursuant to ~~subsection (d)~~  
32 ~~(9) or (d)(10) of K.S.A. 2015 Supp. 38-2202(d)(9) or (d)(10),~~ and  
33 amendments thereto, the child may be placed in a ~~juvenile detention~~  
34 ~~facility or other~~ secure facility pursuant to an order of protective custody  
35 for a period of not to exceed 24 hours, excluding Saturdays, Sundays, legal  
36 holidays, and days on which the office of the clerk of the court is not  
37 accessible.

38 (d) The order of protective custody shall be served pursuant to  
39 ~~subsection (a) of K.S.A. 2015 Supp. 38-2237(a),~~ and amendments thereto,  
40 on the child's parents and any other person having legal custody of the  
41 child. The order shall prohibit the removal of the child from the court's  
42 jurisdiction without the court's permission.

43 (e) If the court issues an order of protective custody, the court may

1 also enter an order restraining any alleged perpetrator of physical, sexual,  
2 mental or emotional abuse of the child from residing in the child's home;  
3 visiting, contacting, harassing or intimidating the child, other family  
4 member or witness; or attempting to visit, contact, harass or intimidate the  
5 child, other family member or witness. Such restraining order shall be  
6 served by personal service pursuant to ~~subsection (a) of~~ K.S.A. 2015 Supp.  
7 38-2237(a), and amendments thereto, on any alleged perpetrator to whom  
8 the order is directed.

9 (f) (1) The court shall not enter the initial order removing a child  
10 from the custody of a parent pursuant to this section unless the court first  
11 finds probable cause that: (A) (i) The child is likely to sustain harm if not  
12 immediately removed from the home;

13 (ii) allowing the child to remain in home is contrary to the welfare of  
14 the child; or

15 (iii) immediate placement of the child is in the best interest of the  
16 child; and

17 (B) reasonable efforts have been made to maintain the family unit and  
18 prevent the unnecessary removal of the child from the child's home or that  
19 an emergency exists which threatens the safety to the child.

20 (2) Such findings shall be included in any order entered by the court.  
21 If the child is placed in the custody of the secretary, the court shall provide  
22 the secretary with a written copy of any orders entered upon making the  
23 order.

24 ~~Sec. 24-25.~~ **26.** On and after July 1, ~~2017~~ **2019**, K.S.A. 2015 Supp.  
25 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice  
26 and hearing, the court may issue an order directing who shall have  
27 temporary custody and may modify the order during the pendency of the  
28 proceedings as will best serve the child's welfare.

29 (b) A hearing pursuant to this section shall be held within 72 hours,  
30 excluding Saturdays, Sundays, legal holidays, and days on which the  
31 office of the clerk of the court is not accessible, following a child having  
32 been taken into protective custody.

33 (c) Whenever it is determined that a temporary custody hearing is  
34 required, the court shall immediately set the time and place for the hearing.  
35 Notice of a temporary custody hearing shall be given to all parties and  
36 interested parties.

37 (d) Notice of the temporary custody hearing shall be given at least 24  
38 hours prior to the hearing. The court may continue the hearing to afford the  
39 24 hours prior notice or, with the consent of the party or interested party,  
40 proceed with the hearing at the designated time. If an order of temporary  
41 custody is entered and the parent or other person having custody of the  
42 child has not been notified of the hearing, did not appear or waive  
43 appearance and requests a rehearing, the court shall rehear the matter

1 without unnecessary delay.

2 (e) Oral notice may be used for giving notice of a temporary custody  
3 hearing where there is insufficient time to give written notice. Oral notice  
4 is completed upon filing a certificate of oral notice.

5 (f) The court may enter an order of temporary custody after  
6 determining there is probable cause to believe that the: (1) Child is  
7 dangerous to self or to others; (2) child is not likely to be available within  
8 the jurisdiction of the court for future proceedings; (3) health or welfare of  
9 the child may be endangered without further care; (4) child has been  
10 subjected to human trafficking or aggravated human trafficking, as defined  
11 by K.S.A. 2015 Supp. 21-5426, and amendments thereto, or commercial  
12 sexual exploitation of a child, as defined by K.S.A. 2015 Supp. 21-6422,  
13 and amendments thereto; or (5) child committed an act which, if  
14 committed by an adult, would constitute a violation of K.S.A. 2015 Supp.  
15 21-6419, and amendments thereto.

16 (g) (1) Whenever the court determines the necessity for an order of  
17 temporary custody the court may place the child in the temporary custody  
18 of:

19 (A) A parent or other person having custody of the child and may  
20 enter a restraining order pursuant to subsection (h);

21 (B) a person, other than the parent or other person having custody,  
22 who shall not be required to be licensed under article 5 of chapter 65 of the  
23 Kansas Statutes Annotated, and amendments thereto;

24 (C) a youth residential facility;

25 (D) a shelter facility;

26 (E) a staff secure facility, notwithstanding any other provision of law,  
27 if the child has been subjected to human trafficking or aggravated human  
28 trafficking, as defined by K.S.A. 2015 Supp. 21-5426, and amendments  
29 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.  
30 2015 Supp. 21-6422, and amendments thereto, or the child committed an  
31 act which, if committed by an adult, would constitute a violation of K.S.A.  
32 2015 Supp. 21-6419, and amendments thereto; or

33 (F) the secretary, if the child is 15 years of age or younger, or 16 or  
34 17 years of age if the child has no identifiable parental or family resources  
35 or shows signs of physical, mental, emotional or sexual abuse.

36 (2) If the secretary presents the court with a plan to provide services  
37 to a child or family which the court finds will assure the safety of the  
38 child, the court may only place the child in the temporary custody of the  
39 secretary until the court finds the services are in place. The court shall  
40 have the authority to require any person or entity agreeing to participate in  
41 the plan to perform as set out in the plan. When the child is placed in the  
42 temporary custody of the secretary, the secretary shall have the  
43 discretionary authority to place the child with a parent or to make other

1 suitable placement for the child. When the child is placed in the temporary  
2 custody of the secretary and the child has been subjected to human  
3 trafficking or aggravated human trafficking, as defined by K.S.A. 2015  
4 Supp. 21-5426, and amendments thereto, or commercial sexual  
5 exploitation of a child, as defined by K.S.A. 2015 Supp. 21-6422, and  
6 amendments thereto, or the child committed an act which, if committed by  
7 an adult, would constitute a violation of K.S.A. 2015 Supp. 21-6419, and  
8 amendments thereto, the secretary shall have the discretionary authority to  
9 place the child in a staff secure facility, notwithstanding any other  
10 provision of law. When the child is presently alleged, but not yet  
11 adjudicated to be a child in need of care solely pursuant to ~~subsection (d)~~  
12 ~~(9) or (d)(10)~~ of K.S.A. 2015 Supp. 38-2202(d)(9) or (d)(10), and  
13 amendments thereto, the child may be placed in a ~~juvenile detention~~  
14 ~~facility or other~~ secure facility, but the total amount of time that the child  
15 may be held in such facility under this section and K.S.A. 2015 Supp. 38-  
16 2242, and amendments thereto, shall not exceed 24 hours, excluding  
17 Saturdays, Sundays, legal holidays, and days on which the office of the  
18 clerk of the court is not accessible. The order of temporary custody shall  
19 remain in effect until modified or rescinded by the court or an adjudication  
20 order is entered but not exceeding 60 days, unless good cause is shown  
21 and stated on the record.

22 (h) If the court issues an order of temporary custody, the court may  
23 also enter an order restraining any alleged perpetrator of physical, sexual,  
24 mental or emotional abuse of the child from residing in the child's home;  
25 visiting, contacting, harassing or intimidating the child; or attempting to  
26 visit, contact, harass or intimidate the child, other family members or  
27 witnesses. Such restraining order shall be served by personal service  
28 pursuant to ~~subsection (a)~~ of K.S.A. 2015 Supp. 38-2237(a), and  
29 amendments thereto, on any alleged perpetrator to whom the order is  
30 directed.

31 (i) (1) The court shall not enter the initial order removing a child from  
32 the custody of a parent pursuant to this section unless the court first finds  
33 probable cause that: (A) (i) The child is likely to sustain harm if not  
34 immediately removed from the home;

35 (ii) allowing the child to remain in home is contrary to the welfare of  
36 the child; or

37 (iii) immediate placement of the child is in the best interest of the  
38 child; and

39 (B) reasonable efforts have been made to maintain the family unit and  
40 prevent the unnecessary removal of the child from the child's home or that  
41 an emergency exists which threatens the safety to the child.

42 (2) Such findings shall be included in any order entered by the court.  
43 If the child is placed in the custody of the secretary, upon making the order

1 the court shall provide the secretary with a written copy.

2 (j) If the court enters an order of temporary custody that provides for  
3 placement of the child with a person other than the parent, the court shall  
4 make a child support determination pursuant to K.S.A. 2015 Supp. 38-  
5 2277, and amendments thereto.

6 ~~Sec. 25.—On and after July 1, 2017, K.S.A. 2015 Supp. 38-2255 is~~  
7 ~~hereby amended to read as follows: 38-2255. (a) *Considerations.* Prior to~~  
8 ~~entering an order of disposition, the court shall give consideration to:~~

9 ~~(1) The child's physical, mental and emotional condition;~~  
10 ~~(2) the child's need for assistance;~~  
11 ~~(3) the manner in which the parent participated in the abuse, neglect~~  
12 ~~or abandonment of the child;~~  
13 ~~(4) any relevant information from the intake and assessment process;~~  
14 ~~and~~

15 ~~(5) the evidence received at the dispositional hearing.~~

16 ~~(b) *Custody with a parent.* The court may place the child in the~~  
17 ~~custody of either of the child's parents subject to terms and conditions~~  
18 ~~which the court prescribes to assure the proper care and protection of the~~  
19 ~~child, including, but not limited to:~~

20 ~~(1) Supervision of the child and the parent by a court services officer;~~  
21 ~~(2) participation by the child and the parent in available programs~~  
22 ~~operated by an appropriate individual or agency; and~~  
23 ~~(3) any special treatment or care which the child needs for the child's~~  
24 ~~physical, mental or emotional health and safety.~~

25 ~~(c) *Removal of a child from custody of a parent.* The court shall not~~  
26 ~~enter the initial order removing a child from the custody of a parent~~  
27 ~~pursuant to this section unless the court first finds probable cause that: (1)~~  
28 ~~(A) The child is likely to sustain harm if not immediately removed from~~  
29 ~~the home;~~

30 ~~(B) allowing the child to remain in home is contrary to the welfare of~~  
31 ~~the child; or~~

32 ~~(C) immediate placement of the child is in the best interest of the~~  
33 ~~child; and~~

34 ~~(2) reasonable efforts have been made to maintain the family unit and~~  
35 ~~prevent the unnecessary removal of the child from the child's home or that~~  
36 ~~an emergency exists which threatens the safety to the child.~~

37 ~~The court shall not enter an order removing a child from the custody of~~  
38 ~~a parent pursuant to this section based solely on the finding that the parent~~  
39 ~~is homeless.~~

40 ~~(d) *Custody of a child removed from the custody of a parent.* If the~~  
41 ~~court has made the findings required by subsection (c), the court shall~~  
42 ~~enter an order awarding custody to: A relative of the child or to a person~~  
43 ~~with whom the child has close emotional ties who shall not be required to~~

1 be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,  
2 and amendments thereto; any other suitable person; a shelter facility; a  
3 youth residential facility; a staff secure facility, notwithstanding any other  
4 provision of law, if the child has been subjected to human trafficking or  
5 aggravated human trafficking, as defined by K.S.A. 2015 Supp. 21-5426,  
6 and amendments thereto, or commercial sexual exploitation of a child, as  
7 defined by K.S.A. 2015 Supp. 21-6422, and amendments thereto, or the  
8 child committed an act which, if committed by an adult, would constitute a  
9 violation of K.S.A. 2015 Supp. 21-6419, and amendments thereto; or, if  
10 the child is 15 years of age or younger, or 16 or 17 years of age if the child  
11 has no identifiable parental or family resources or shows signs of physical,  
12 mental, emotional or sexual abuse, to the secretary. Custody awarded  
13 under this subsection shall continue until further order of the court.

14 (1) ~~When custody is awarded to the secretary, the secretary shall~~  
15 ~~consider any placement recommendation by the court and notify the court~~  
16 ~~of the placement or proposed placement of the child within 10 days of the~~  
17 ~~order awarding custody. After providing the parties or interested parties~~  
18 ~~notice and opportunity to be heard, the court may determine whether the~~  
19 ~~secretary's placement or proposed placement is contrary to the welfare or~~  
20 ~~in the best interests of the child. In making that determination the court~~  
21 ~~shall consider the health and safety needs of the child and the resources~~  
22 ~~available to meet the needs of children in the custody of the secretary. If~~  
23 ~~the court determines that the placement or proposed placement is contrary~~  
24 ~~to the welfare or not in the best interests of the child, the court shall notify~~  
25 ~~the secretary, who shall then make an alternative placement.~~

26 (2) ~~The custodian designated under this subsection shall notify the~~  
27 ~~court in writing at least 10 days prior to any planned placement with a~~  
28 ~~parent. The written notice shall state the basis for the custodian's belief that~~  
29 ~~placement with a parent is no longer contrary to the welfare or best interest~~  
30 ~~of the child. Upon reviewing the notice, the court may allow the custodian~~  
31 ~~to proceed with the planned placement or may set the date for a hearing to~~  
32 ~~determine if the child shall be allowed to return home. If the court sets a~~  
33 ~~hearing on the matter, the custodian shall not return the child home without~~  
34 ~~written consent of the court.~~

35 (3) ~~The court may grant any person reasonable rights to visit the child~~  
36 ~~upon motion of the person and a finding that the visitation rights would be~~  
37 ~~in the best interests of the child.~~

38 (4) ~~The court may enter an order restraining any alleged perpetrator~~  
39 ~~of physical, mental or emotional abuse or sexual abuse of the child from~~  
40 ~~residing in the child's home; visiting, contacting, harassing or intimidating~~  
41 ~~the child, other family member or witness; or attempting to visit, contact,~~  
42 ~~harass or intimidate the child, other family member or witness. Such~~  
43 ~~restraining order shall be served by personal service pursuant to subsection~~



1 (a) of K.S.A. 2015 Supp. 38-2237(a), and amendments thereto, on any  
2 alleged perpetrator to whom the order is directed.

3 (5) ~~The court shall provide a copy of any orders entered within 10~~  
4 ~~days of entering the order to the custodian designated under this~~  
5 ~~subsection.~~

6 (e) ~~Further determinations regarding a child removed from the home.~~  
7 ~~If custody has been awarded under subsection (d) to a person other than a~~  
8 ~~parent, a permanency plan shall be provided or prepared pursuant to~~  
9 ~~K.S.A. 2015 Supp. 38-2264, and amendments thereto. If a permanency~~  
10 ~~plan is provided at the dispositional hearing, the court may determine~~  
11 ~~whether reintegration is a viable alternative or, if reintegration is not a~~  
12 ~~viable alternative, whether the child should be placed for adoption or a~~  
13 ~~permanent custodian appointed. In determining whether reintegration is a~~  
14 ~~viable alternative, the court shall consider:~~

15 (1) ~~Whether a parent has been found by a court to have committed~~  
16 ~~one of the following crimes or to have violated the law of another state~~  
17 ~~prohibiting such crimes or to have aided and abetted, attempted, conspired~~  
18 ~~or solicited the commission of one of these crimes: (A) Murder in the first~~  
19 ~~degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402,~~  
20 ~~and amendments thereto; (B) murder in the second degree, K.S.A. 21-~~  
21 ~~3402, prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments~~  
22 ~~thereto; (C) capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A.~~  
23 ~~2015 Supp. 21-5401, and amendments thereto; (D) voluntary~~  
24 ~~manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2015 Supp.~~  
25 ~~21-5404, and amendments thereto; or (E) a felony battery that resulted in~~  
26 ~~bodily injury;~~

27 (2) ~~whether a parent has subjected the child or another child to~~  
28 ~~aggravated circumstances;~~

29 (3) ~~whether a parent has previously been found to be an unfit parent~~  
30 ~~in proceedings under this code or in comparable proceedings under the~~  
31 ~~laws of another state or the federal government;~~

32 (4) ~~whether the child has been in extended out of home placement;~~

33 (5) ~~whether the parents have failed to work diligently toward~~  
34 ~~reintegration;~~

35 (6) ~~whether the secretary has provided the family with services~~  
36 ~~necessary for the safe return of the child to the home; and~~

37 (7) ~~whether it is reasonable to expect reintegration to occur within a~~  
38 ~~time frame consistent with the child's developmental needs.~~

39 (f) ~~Proceedings if reintegration is not a viable alternative.~~ If the court  
40 determines that reintegration is not a viable alternative, proceedings to  
41 terminate parental rights and permit placement of the child for adoption or  
42 appointment of a permanent custodian shall be initiated unless the court  
43 finds that compelling reasons have been documented in the case plan why

1 adoption or appointment of a permanent custodian would not be in the best  
2 interests of the child. If compelling reasons have not been documented, the  
3 county or district attorney shall file a motion within 30 days to terminate  
4 parental rights or a motion to appoint a permanent custodian within 30  
5 days and the court shall hold a hearing on the motion within 90 days of its  
6 filing. No hearing is required when the parents voluntarily relinquish  
7 parental rights or consent to the appointment of a permanent custodian.

8 (g) ~~Additional Orders.~~ In addition to or in lieu of any other order  
9 authorized by this section:

10 (1) The court may order the child and the parents of any child who  
11 has been adjudicated a child in need of care to attend counseling sessions  
12 as the court directs. The expense of the counseling may be assessed as an  
13 expense in the case. No mental health provider shall charge a greater fee  
14 for court-ordered counseling than the provider would have charged to the  
15 person receiving counseling if the person had requested counseling on the  
16 person's own initiative.

17 (2) If the court has reason to believe that a child is before the court  
18 due, in whole or in part, to the use or misuse of alcohol or a violation of  
19 K.S.A. 2015 Supp. 21-5701 through 21-5717, and amendments thereto, by  
20 the child, a parent of the child, or another person responsible for the care  
21 of the child, the court may order the child, parent of the child or other  
22 person responsible for the care of the child to submit to and complete an  
23 alcohol and drug evaluation by a qualified person or agency and comply  
24 with any recommendations. If the evaluation is performed by a  
25 community-based alcohol and drug safety program certified pursuant to  
26 K.S.A. 8-1008, and amendments thereto, the child, parent of the child or  
27 other person responsible for the care of the child shall pay a fee not to  
28 exceed the fee established by that statute. If the court finds that the child  
29 and those legally liable for the child's support are indigent, the fee may be  
30 waived. In no event shall the fee be assessed against the secretary.

31 (3) If child support has been requested and the parent or parents have  
32 a duty to support the child, the court may order one or both parents to pay  
33 child support and, when custody is awarded to the secretary, the court shall  
34 order one or both parents to pay child support. The court shall determine,  
35 for each parent separately, whether the parent is already subject to an order  
36 to pay support for the child. If the parent is not presently ordered to pay  
37 support for any child who is subject to the jurisdiction of the court and the  
38 court has personal jurisdiction over the parent, the court shall order the  
39 parent to pay child support in an amount determined under K.S.A. 2015  
40 Supp. 38-2277, and amendments thereto. Except for good cause shown,  
41 the court shall issue an immediate income withholding order pursuant to  
42 K.S.A. 2015 Supp. 23-3101 et seq., and amendments thereto, for each  
43 parent ordered to pay support under this subsection, regardless of whether

1 a payor has been identified for the parent. A parent ordered to pay child  
2 support under this subsection shall be notified, at the hearing or otherwise,  
3 that the child support order may be registered pursuant to K.S.A. 2015  
4 Supp. 38-2279, and amendments thereto. The parent shall also be informed  
5 that, after registration, the income withholding order may be served on the  
6 parent's employer without further notice to the parent and the child support  
7 order may be enforced by any method allowed by law. Failure to provide  
8 this notice shall not affect the validity of the child support order.

9 *(h) If custody has been awarded under subsection (d) to a person  
10 other than a parent, and the child is not currently being supervised by the  
11 court as a juvenile offender pursuant to K.S.A. 2015 Supp 38-2361, and  
12 amendments thereto, the court may not order supervision of the child by  
13 court services.*

14 Sec. ~~26~~ 27. On and after July 1, ~~2017~~ 2019, K.S.A. 2015 Supp. 38-  
15 2260 is hereby amended to read as follows: 38-2260. (a) *Valid court order.*  
16 During proceedings under this code, the court may enter an order directing  
17 a child who is the subject of the proceedings to remain in a present or  
18 future placement if:

19 (1) The child and the child's guardian ad litem are present in court  
20 when the order is entered;

21 (2) the court finds that the child has been adjudicated a child in need  
22 of care pursuant to ~~subsections (d)(6), (d)(7), (d)(8), (d)(9), (d)(10) or (d)~~  
23 ~~(12)~~ of K.S.A. 2015 Supp. 38-2202(d)(6), (d)(7), (d)(8), (d)(9), (d)(10) or  
24 (d)(12), and amendments thereto, and that the child is not likely to be  
25 available within the jurisdiction of the court for future proceedings;

26 (3) the child and the guardian ad litem receive oral and written notice  
27 of the consequences of violation of the order; and

28 (4) a copy of the written notice is filed in the official case file.

29 (b) *Application.* Any person may file a verified application for  
30 determination that a child has violated an order entered pursuant to  
31 subsection (a) and for an order authorizing holding the child in a secure  
32 facility ~~or juvenile detention facility~~. The application shall state the  
33 applicant's belief that the child has violated the order entered pursuant to  
34 subsection (a) without good cause and the specific facts supporting the  
35 allegation.

36 (c) *Ex parte order.* After reviewing the application filed pursuant to  
37 subsection (b), the court may enter an ex parte order directing that the  
38 child be taken into custody and held in a ~~secure facility or juvenile~~  
39 ~~detention facility~~ designated by the court, if the court finds probable cause  
40 that the child violated the court's order to remain in placement without  
41 good cause. Pursuant to K.S.A. 2015 Supp. 38-2237, and amendments  
42 thereto, the order shall be served on the child's parents, the child's legal  
43 custodian and the child's guardian ad litem.

1 (d) *Preliminary hearing.* Within 24 hours following a child's being  
2 taken into custody pursuant to an order issued under subsection (c), the  
3 court shall hold a preliminary hearing to determine whether the child  
4 admits or denies the allegations of the application and, if the child denies  
5 the allegations, to determine whether probable cause exists to support the  
6 allegations.

7 (1) Notice of the time and place of the preliminary hearing shall be  
8 given orally or in writing to the child's parents, the child's legal custodian  
9 and the child's guardian ad litem.

10 (2) At the hearing, the child shall have the right to a guardian ad litem  
11 and shall be served with a copy of the application.

12 (3) If the child admits the allegations or enters a no contest statement  
13 and if the court finds that the admission or no contest statement is  
14 knowledgeable and voluntary, the court shall proceed without delay to the  
15 placement hearing pursuant to subsection (f).

16 (4) If the child denies the allegations, the court shall determine  
17 whether probable cause exists to hold the child in a secure facility—~~or~~  
18 ~~juvenile detention facility~~ pending an evidentiary hearing pursuant to  
19 subsection (e). After hearing the evidence, if the court finds that: (A) There  
20 is probable cause to believe that the child has violated an order entered  
21 pursuant to subsection (a) without good cause; and (B) placement in a  
22 secure facility—~~or juvenile detention facility~~ is necessary for the protection  
23 of the child or to assure the presence of the child at the evidentiary hearing  
24 pursuant to subsection (e), the court may order the child held in a secure  
25 facility—~~or juvenile detention facility~~ pending the evidentiary hearing.

26 (e) *Evidentiary hearing.* The court shall hold an evidentiary hearing  
27 on an application within 72 hours of the child's being taken into custody.  
28 Notice of the time and place of the hearing shall be given orally or in  
29 writing to the child's parents, the child's legal custodian and the child's  
30 guardian ad litem. At the evidentiary hearing, the court shall determine by  
31 a clear and convincing evidence whether the child has:

32 (1) Violated a court order entered pursuant to subsection (a) without  
33 good cause;

34 (2) been provided at the hearing with the rights enumerated in  
35 subsection (d)(2); and

36 (3) been informed of:

37 (A) The nature and consequences of the proceeding;

38 (B) the right to confront and cross-examine witnesses and present  
39 evidence;

40 (C) the right to have a transcript or recording of the proceedings; and

41 (D) the right to appeal.

42 (f) *Placement.* (1) If the child admits violating the order entered  
43 pursuant to subsection (a) or if, after an evidentiary hearing, the court finds

1 that the child has violated such an order, the court shall immediately  
2 proceed to a placement hearing. The court may enter an order awarding  
3 custody of the child to:

- 4 (A) A parent or other legal custodian;
- 5 (B) a person other than a parent or other person having custody, who  
6 shall not be required to be licensed under article 5 of chapter 65 of the  
7 Kansas Statutes Annotated, and amendments thereto;
- 8 (C) a youth residential facility; or
- 9 (D) the secretary, if the secretary does not already have legal custody  
10 of the child.

11 (2) The court may authorize the custodian to place the child in a  
12 secure facility ~~or juvenile detention facility~~, if the court determines that all  
13 other placement options have been exhausted or are inappropriate, based  
14 upon a written report submitted by the secretary, if the child is in the  
15 secretary's custody, or submitted by a public agency independent of the  
16 court and law enforcement, if the child is in the custody of someone other  
17 than the secretary. The report shall detail the behavior of the child and the  
18 circumstances under which the child was brought before the court and  
19 made subject to the order entered pursuant to subsection (a).

20 (3) The authorization to place the child in a secure facility ~~or juvenile~~  
21 ~~detention facility~~ pursuant to this subsection shall expire 60 days, inclusive  
22 of weekend and legal holidays, after its issue. The court may grant  
23 extensions of such authorization for two additional periods, each not to  
24 exceed 60 days, upon rehearing pursuant to K.S.A. 2015 Supp. 38-2256,  
25 and amendments thereto.

26 (g) *Payment.* The secretary shall only pay for placement and services  
27 for a child placed in a secure facility ~~or juvenile detention facility~~ pursuant  
28 to subsection (f) upon receipt of a valid court order authorizing secure care  
29 placement.

30 (h) *Limitations on facilities used.* Nothing in this section shall  
31 authorize placement of a child in an adult jail or lockup.

32 (i) *Time limits, computation.* Except as otherwise specifically  
33 provided by subsection (f), Saturdays, Sundays, legal holidays, and days  
34 on which the office of the clerk of the court is not accessible shall not be  
35 counted in computing any time limit imposed by this section.

36 ~~Sec. 27.~~ **28.** On and after July 1, ~~2017~~ **2019**, K.S.A. 2015 Supp. 38-  
37 2288 is hereby amended to read as follows: 38-2288. (a) Notwithstanding  
38 any other provision of law, no child alleged or found to be a child in need  
39 of care may be placed in a juvenile detention facility unless:

40 ~~(1) Such placement is necessary to protect the safety of the child and~~  
41 ~~is authorized by subsection (b) of K.S.A. 2015 Supp. 38-2232, and~~  
42 ~~amendments thereto, or K.S.A. 2015 Supp. 38-2242, 38-2243 or 38-2260,~~  
43 ~~and amendments thereto; or~~

1       (2)—the child is also alleged to be a juvenile offender and such  
2 placement is authorized by K.S.A. 2015 Supp. 38-2330 or 38-2343, and  
3 amendments thereto.

4       (b) This section shall be part of and supplemental to the revised  
5 Kansas code for care of children.

6       Sec. ~~28~~ 29. K.S.A. 2015 Supp. 38-2302 is hereby amended to read as  
7 follows: 38-2302. As used in this code, unless the context otherwise  
8 requires:

9       (a) "Commissioner" means ~~the commissioner of juvenile justice or~~  
10 ~~the commissioner's designee~~ *secretary of corrections.*

11       (b) "*Community supervision officer*" means any officer from court  
12 services, community corrections or any other individual authorized to  
13 supervise a juvenile on an immediate intervention, probation or  
14 conditional release.

15       (c) "Conditional release" means release from a term of commitment  
16 in a juvenile correctional facility for an aftercare term pursuant to K.S.A.  
17 2015 Supp. 38-2369, and amendments thereto, under conditions  
18 established by the ~~commissioner~~ *secretary of corrections.*

19       ~~(e)~~(d) "Court-appointed special advocate" means a responsible adult,  
20 other than an attorney appointed pursuant to K.S.A. 2015 Supp. 38-2306,  
21 and amendments thereto, who is appointed by the court to represent the  
22 best interests of a child, as provided in K.S.A. 2015 Supp. 38-2307, and  
23 amendments thereto, in a proceeding pursuant to this code.

24       ~~(d)~~(e) "*Detention risk assessment tool*" means a risk assessment  
25 instrument adopted pursuant to K.S.A. 75-7023(f), and amendments  
26 thereto, used to identify factors shown to be statistically related to a  
27 juvenile's risk of failing to appear in court or reoffending pre-adjudication  
28 and designed to assist in making detention determinations.

29       (f) "Educational institution" means all schools at the elementary and  
30 secondary levels.

31       ~~(e)~~(g) "Educator" means any administrator, teacher or other  
32 professional or paraprofessional employee of an educational institution  
33 who has exposure to a pupil specified in ~~subsections (a)(1) through (5)~~ of  
34 K.S.A. 72-89b03(a)(1) through (5), and amendments thereto.

35       (h) "*Evidence-based*" means practices, policies, procedures and  
36 programs demonstrated by research to produce reduction in the likelihood  
37 of reoffending.

38       (i) "*Graduated responses*" means a system of community-based  
39 sanctions and incentives developed pursuant to K.S.A. 75-7023(h) and  
40 section 2, and amendments thereto, used to address violations of  
41 immediate interventions, terms and conditions of probation and  
42 conditional release and to incentivize positive behavior.

43       (j) "*Immediate intervention*" means all programs or practices

1 *developed by the county to hold juvenile offenders accountable while*  
2 *allowing such offenders to be diverted from formal court processing*  
3 *pursuant to K.S.A. 2015 Supp. 38-2346, and amendments thereto.*

4 ~~(f)~~(k) "Institution" means the following institutions: ~~The Atchison-~~  
5 ~~juvenile correctional facility, the Larned juvenile correctional facility and~~  
6 ~~the Kansas juvenile correctional complex.~~

7 ~~(g)~~(l) "Investigator" means an employee of the juvenile justice  
8 authority assigned by the commissioner with the responsibility for  
9 investigations concerning employees at the juvenile correctional facilities  
10 and juveniles in the custody of the commissioner at a juvenile correctional  
11 facility.

12 ~~(h)~~(m) "Jail" means: (1) An adult jail or lockup; or

13 (2) a facility in the same building as an adult jail or lockup, unless the  
14 facility meets all applicable licensure requirements under law and there is:  
15 (A) Total separation of the juvenile and adult facility spatial areas such that  
16 there could be no haphazard or accidental contact between juvenile and  
17 adult residents in the respective facilities; (B) total separation in all  
18 juvenile and adult program activities within the facilities, including  
19 recreation, education, counseling, health care, dining, sleeping and general  
20 living activities; and (C) separate juvenile and adult staff, including  
21 management, security staff and direct care staff such as recreational,  
22 educational and counseling.

23 ~~(i)~~(n) "Juvenile" means a person to whom one or more of the  
24 following applies, the person: (1) Is 10 or more years of age but less than  
25 18 years of age; (2) is alleged to be a juvenile offender; or (3) has been  
26 adjudicated as a juvenile offender and continues to be subject to the  
27 jurisdiction of the court.

28 ~~(j)~~(o) "Juvenile correctional facility" means a facility operated by the  
29 ~~commissioner~~ *secretary of corrections* for the commitment of juvenile  
30 offenders.

31 ~~(k)~~(p) "Juvenile corrections officer" means a certified employee of  
32 the ~~juvenile justice authority~~ *department of corrections* working at a  
33 juvenile correctional facility assigned by the ~~commissioner~~ *secretary of*  
34 *corrections* with responsibility for maintaining custody, security and  
35 control of juveniles in the custody of the ~~commissioner~~ *secretary of*  
36 *corrections* at a juvenile correctional facility.

37 ~~(l)~~(q) "Juvenile detention facility" means a public or private facility  
38 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes  
39 Annotated, and amendments thereto, which is used for the lawful custody  
40 of alleged or adjudicated juvenile offenders.

41 ~~(m)~~(r) "Juvenile intake and assessment worker" means a responsible  
42 adult *trained and* authorized to perform intake and assessment services as  
43 part of the intake and assessment system established pursuant to K.S.A.

1 75-7023, and amendments thereto.

2 ~~(n)~~(s) "Juvenile offender" means a person who commits an offense  
3 while 10 or more years of age but less than 18 years of age which if  
4 committed by an adult would constitute the commission of a felony or  
5 misdemeanor as defined by K.S.A. 2015 Supp. 21-5102, and amendments  
6 thereto, or who violates the provisions of K.S.A. 41-727, ~~subsection (j) of~~  
7 K.S.A. 74-8810(j) or ~~subsection (a)(14) of~~ K.S.A. 2015 Supp. 21-6301(a)  
8 (14), and amendments thereto, but does not include:

9 (1) A person 14 or more years of age who commits a traffic offense,  
10 as defined in ~~subsection (d) of~~ K.S.A. 8-2117(d), and amendments thereto;

11 (2) a person 16 years of age or over who commits an offense defined  
12 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

13 (3) a person under 18 years of age who previously has been:

14 (A) Convicted as an adult under the Kansas criminal code;

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

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

21 ~~(C)~~**{(C)}** convicted or sentenced as an adult in another state or  
22 foreign jurisdiction under substantially similar procedures described in  
23 K.S.A. 2015 Supp. 38-2347, and amendments thereto, or because of  
24 attaining the age of majority designated in that state or jurisdiction.

25 ~~(o)~~(t) "Law enforcement officer" means any person who by virtue of  
26 that person's office or public employment is vested by law with a duty to  
27 maintain public order or to make arrests for crimes, whether that duty  
28 extends to all crimes or is limited to specific crimes.

29 (u) *"Overall case length limit" when used in relation to a juvenile*  
30 *adjudicated a juvenile offender means the maximum jurisdiction of the*  
31 *court following disposition on an individual case. Pursuant to K.S.A. 2015*  
32 *Supp. 38-2304, and amendments thereto, the case and the court's*  
33 *jurisdiction shall terminate once the overall case length limit expires and*  
34 *may not be extended.*

35 ~~(p)~~(v) "Parent" when used in relation to a juvenile, includes a  
36 guardian and every person who is, by law, liable to maintain, care for or  
37 support the juvenile.

38 (w) *"Probation" means a period of community supervision ordered*  
39 *pursuant to K.S.A. 2015 Supp. 38-2361, and amendments thereto,*  
40 *overseen by either court services or community corrections, but not both.*

41 (x) *"Reintegration plan" means a written document prepared in*  
42 *consultation with the child's parent or guardian that:*

43 (1) *Describes the reintegration goal, which, if achieved, will most*



1 likely give the juvenile and the victim of the juvenile a permanent and safe  
2 living arrangement;

3 (2) describes the child's level of physical health, mental and  
4 emotional health and educational functioning;

5 (3) provides an assessment of the needs of the child and family;

6 (4) describes the services to be provided to the child, the child's  
7 family and the child's foster parents, if appropriate;

8 (5) includes a description of the tasks and responsibilities designed to  
9 achieve the plan and to whom assigned;

10 (6) includes measurable objectives and time schedules for achieving  
11 the plan; and

12 (7) if the child is in an out of home placement:

13 (A) Provides a statement for the basis of determining that  
14 reintegration is determined not to be a viable option if such a  
15 determination is made and includes a plan for another permanent living  
16 arrangement;

17 (B) describes available alternatives;

18 (C) justifies the alternative placement selected, including a  
19 description of the safety and appropriateness of such placement; and

20 (D) describes the programs and services that will help the child  
21 prepare to live independently as an adult.

22 ~~(q)(y)~~ "Risk and needs assessment tool" means ~~an~~ a standardized  
23 instrument administered to on juveniles which delivers a score, or group of  
24 scores, describing, but not limited to describing, the juvenile's potential  
25 risk to the community to identify specific risk factors and needs shown to  
26 be statistically related to a juvenile's risk of reoffending and, when  
27 properly addressed, can reduce a juvenile's risk of reoffending.

28 ~~(r)~~ "Sanctions house" means a facility which is operated or structured  
29 so as to ensure that all entrances and exits from the facility are under the  
30 exclusive control of the staff of the facility, whether or not the person  
31 being detained has freedom of movement within the perimeters of the  
32 facility, or which relies on locked rooms and buildings, fences or physical  
33 restraint in order to control the behavior of its residents. Upon an order  
34 from the court, a licensed juvenile detention facility may serve as a  
35 sanctions house.

36 ~~(s)(z)~~ "Secretary" means the secretary of corrections or the  
37 secretary's designee.

38 (aa) "Technical violation" means an act that violates the terms or  
39 conditions imposed as part of a probation disposition pursuant to K.S.A.  
40 2015 Supp. 38-2361, and amendments thereto, and that does not constitute  
41 a new juvenile offense or a new child in need of care violation pursuant to  
42 K.S.A.2015 Supp. 38-2202(d), and amendments thereto.

43 (bb) "Warrant" means a written order by a judge of the court directed

1 to any law enforcement officer commanding the officer to take into  
2 custody the juvenile named or described therein.

3 ~~(t) "Youth residential facility" means any home, foster home or~~  
4 ~~structure which provides 24-hour-a-day care for juveniles and which is~~  
5 ~~licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of~~  
6 ~~the Kansas Statutes Annotated, and amendments thereto.~~

7 *(cc) "Youth residential facility" means any home, foster home or*  
8 *structure which provides 24-hour-a-day care for juveniles and which is*  
9 *licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of*  
10 *the Kansas Statutes Annotated, and amendments thereto. The provisions*  
11 *of this subsection shall expire on July 1, 2018.*

12 Sec. ~~29~~ 30. *On and after July 1, 2017*, K.S.A. 2015 Supp. 38-2304  
13 is hereby amended to read as follows: 38-2304. (a) Except as provided in  
14 K.S.A. 2015 Supp. 38-2347, and amendments thereto, proceedings  
15 concerning a juvenile shall be governed by the provisions of this code.

16 (b) The district court shall have original jurisdiction to receive and  
17 determine proceedings under this code.

18 (c) When a complaint is filed under this code, the juvenile shall be  
19 presumed to be subject to this code, unless the contrary is proved.

20 (d) Once jurisdiction is acquired by the district court over an alleged  
21 juvenile offender, except as otherwise provided in subsection (e),  
22 jurisdiction shall continue until one of the following occurs:

23 (1) The complaint is dismissed;

24 (2) the juvenile is adjudicated not guilty at trial;

25 (3) the juvenile, after being adjudicated guilty and sentenced:

26 (i) Successfully completes the term of probation ~~or order of~~  
27 ~~assignment to community corrections;~~

28 (ii) is discharged by the ~~commissioner~~ *secretary* pursuant to K.S.A.  
29 2015 Supp. 38-2376, and amendments thereto;

30 (iii) reaches the juvenile's 21<sup>st</sup> birthday and no exceptions apply that  
31 extend jurisdiction beyond age 21; *or*

32 (iv) *reaches the overall case length limit;*

33 (4) the court terminates jurisdiction; *or*

34 (5) ~~the offender is convicted of a new felony while the offender is~~  
35 ~~incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671,~~  
36 ~~prior to its repeal, or K.S.A. 2015 Supp. 38-2373, and amendments~~  
37 ~~thereto, for an offense, which if committed by an adult would constitute~~  
38 ~~the commission of a felony~~ *juvenile is convicted of a crime as an adult*  
39 *pursuant to chapter 22 of the Kansas Statutes Annotated, and amendments*  
40 *thereto.*

41 (e) Once jurisdiction is acquired by the district court over an alleged  
42 juvenile offender, it shall continue beyond the juvenile offender's 21<sup>st</sup>  
43 birthday but no later than the juvenile offender's 23<sup>rd</sup> birthday ~~if {;} either or~~

1 ~~both of the following conditions apply:~~

2 ~~(1)}~~ ***(1)*** The juvenile offender is sentenced pursuant to K.S.A. 2015  
3 Supp. 38-2369, and amendments thereto, and the term of the sentence  
4 including successful completion of ~~after~~ *conditional release* extends  
5 beyond the juvenile offender's 21<sup>st</sup> birthday; ~~or~~ *but does not extend beyond*  
6 *the overall case length limit*; ~~or~~

7 ~~(2) the juvenile offender is sentenced pursuant to an extended~~  
8 ~~jurisdiction juvenile prosecution and continues to successfully serve the~~  
9 ~~sentence imposed pursuant to the revised Kansas juvenile justice~~  
10 ~~code~~ ***(2) the juvenile offender is sentenced pursuant to an extended***  
11 ***jurisdiction juvenile prosecution and continues to successfully serve the***  
12 ***sentence imposed pursuant to the revised Kansas juvenile justice code.***

13 (f) Termination of jurisdiction pursuant to this section shall have no  
14 effect on the juvenile offender's continuing responsibility to pay restitution  
15 ordered.

16 (g) (1) If a juvenile offender, at the time of sentencing, is in an out of  
17 home placement in the custody of the secretary for children and families  
18 under the Kansas code for care of children, the sentencing court may order  
19 the continued placement of the juvenile offender as a child in need of care  
20 ~~unless the offender was adjudicated for a felony or a second or subsequent~~  
21 ~~misdemeanor. In such case, the secretary for children and families shall~~  
22 ~~address issues of abuse and neglect by parents and prepare parents for the~~  
23 ~~child's return home.~~

24 (2) *Court services, community corrections and the department of*  
25 *corrections shall address the risks and needs of the juvenile offender*  
26 *according to the results of the risk and needs assessment.* ~~If the~~  
27 ~~adjudication was for a felony or a second or subsequent misdemeanor, the~~  
28 ~~continued placement cannot be ordered unless the court finds there are~~  
29 ~~compelling circumstances which, in the best interest of the juvenile~~  
30 ~~offender, require that the placement should be continued. In considering~~  
31 ~~whether compelling circumstances exist, the court shall consider the~~  
32 ~~reports and recommendations of the foster placement, the contract~~  
33 ~~provider, the secretary for children and families, the presentence~~  
34 ~~investigation and all other relevant factors. If the foster placement refuses~~  
35 ~~to continue the juvenile in the foster placement the court shall not order~~  
36 ~~continued placement as a child in need of care.~~

37 (2) ~~If a placement with the secretary for children and families is~~  
38 ~~continued after sentencing, the secretary shall not be responsible for any~~  
39 ~~costs of sanctions imposed under this code.~~

40 (3) If the juvenile offender is placed in the custody of the ~~juvenile~~  
41 ~~justice authority~~ *secretary of corrections*, the secretary for children and  
42 families shall ~~not~~ be responsible for ~~furnishing~~ *collaborating with the*  
43 *department of corrections to furnish* services ordered in the child in need

1 of care proceeding during the time of the placement pursuant to the revised  
2 Kansas juvenile justice code. Nothing in this subsection shall preclude the  
3 juvenile offender from accessing ~~other~~ services provided by the Kansas  
4 department for children and families or any other state agency if the  
5 juvenile offender is otherwise eligible for the services.

6 (h) A court's order issued in a proceeding pursuant to this code, shall  
7 take precedence over such orders in a proceeding under chapter 23 of the  
8 Kansas Statutes Annotated, and amendments thereto, the Kansas family  
9 law code, a proceeding under article 31 of chapter 60 of the Kansas  
10 Statutes Annotated, and amendments thereto, protection from abuse act, a  
11 proceeding under article 21 of chapter 59 of the Kansas Statutes  
12 Annotated, and amendments thereto, adoption and relinquishment act, a  
13 proceeding under article 30 of chapter 59 of the Kansas Statutes  
14 Annotated, and amendments thereto, guardians and conservators, or a  
15 comparable case in another jurisdiction, except as provided by K.S.A.  
16 2015 Supp. 23-37,101 et seq., and amendments thereto, uniform child  
17 custody jurisdiction and enforcement act.

18 ~~Sec. 30.~~ **31.** K.S.A. 2015 Supp. 38-2313 is hereby amended to read as  
19 follows: 38-2313. (a) Fingerprints or photographs shall not be taken of any  
20 juvenile who is taken into custody for any purpose, except that:

21 (1) Fingerprints or photographs of a juvenile may be taken if  
22 authorized by a judge of the district court having jurisdiction;

23 (2) a juvenile's fingerprints shall be taken, and photographs of a  
24 juvenile may be taken, immediately upon taking the juvenile into custody  
25 or upon first appearance or in any event before final sentencing, before the  
26 court for an offense which, if committed by an adult, would constitute the  
27 commission of a felony, a class A or B misdemeanor or assault, as defined  
28 in ~~subsection (a)~~ of K.S.A. 2015 Supp. 21-5412(a), and amendments  
29 thereto;

30 (3) fingerprints or photographs of a juvenile may be taken under  
31 K.S.A. 21-2501, and amendments thereto, if the juvenile has been: (A)  
32 Prosecuted as an adult pursuant to K.S.A. 2015 Supp. 38-2347, and  
33 amendments thereto; or (B) taken into custody for an offense described in  
34 ~~subsection (n)(1) or (n)(2)~~ of K.S.A. 2015 Supp. 38-2302(s)(1) or (s)(2),  
35 and amendments thereto;

36 (4) fingerprints or photographs shall be taken of any juvenile  
37 admitted to a juvenile correctional facility; and

38 (5) photographs may be taken of any juvenile placed in a juvenile  
39 detention facility. Photographs taken under this paragraph shall be used  
40 solely by the juvenile detention facility for the purposes of identification,  
41 security and protection and shall not be disseminated to any other person  
42 or agency except after an escape and necessary to assist in apprehension.

43 (b) Fingerprints and photographs taken under subsection (a)(1) or (a)

1 (2) shall be kept readily distinguishable from those of persons of the age of  
2 majority. Fingerprints and photographs taken under subsections (a)(3) and  
3 (a)(4) may be kept in the same manner as those of persons of the age of  
4 majority.

5 (c) Fingerprints and photographs of a juvenile shall not be sent to a  
6 state or federal repository, except that:

7 (1) Fingerprints and photographs may be sent to the state and federal  
8 repository if authorized by a judge of the district court having jurisdiction;

9 (2) a juvenile's fingerprints shall, and photographs of a juvenile may,  
10 be sent to the state and federal repository if taken under subsection (a)(2)  
11 or (a)(4); and

12 (3) fingerprints or photographs taken under subsection (a)(3) shall be  
13 processed and disseminated in the same manner as those of persons of the  
14 age of majority.

15 (d) Fingerprints or photographs of a juvenile may be furnished to  
16 another juvenile justice agency, as defined by K.S.A. 2015 Supp. 38-2325,  
17 and amendments thereto, if the other agency has a legitimate need for the  
18 fingerprints or photographs.

19 (e) Any fingerprints or photographs of an alleged juvenile offender  
20 taken under the provisions of ~~subsection (a)(2) of K.S.A. 38-1611(a)(2)~~,  
21 prior to its repeal, may be sent to a state or federal repository on or before  
22 December 31, 2006.

23 (f) Any law enforcement agency that willfully fails to submit any  
24 fingerprints or photographs required by this section shall be liable to the  
25 state for the payment of a civil penalty, recoverable in an action brought by  
26 the attorney general, in an amount not exceeding \$500 for each report not  
27 made. Any civil penalty recovered under this subsection shall be paid into  
28 the state general fund.

29 (g) The director of the Kansas bureau of investigation shall adopt any  
30 rules and regulations necessary to implement, administer and enforce the  
31 provisions of this section, including time limits within which fingerprints  
32 shall be sent to a state or federal repository when required by this section.

33 (h) Nothing in this section shall preclude the custodian of a juvenile  
34 from authorizing photographs or fingerprints of the juvenile to be used in  
35 any action under the Kansas parentage act, K.S.A. 2015 Supp. 23-2201 et  
36 seq., and amendments thereto.

37 ~~Sec. 31.~~ **32.** On and after July 1, 2017, K.S.A. 2015 Supp. 38-2325 is  
38 hereby amended to read as follows: 38-2325. As used in K.S.A. 2015  
39 Supp. 38-2326, and amendments thereto, unless the context otherwise  
40 requires:

41 (a) "Central repository" has the meaning provided by K.S.A. 22-  
42 4701, and amendments thereto.

43 (b) "Director" means the director of the Kansas bureau of

1 investigation.

2 (c) "Juvenile offender information" means data relating to juveniles  
3 alleged or adjudicated to be juvenile offenders and offenses committed or  
4 alleged to have been committed by juveniles in proceedings pursuant to  
5 the Kansas juvenile code, the Kansas juvenile justice code or the revised  
6 Kansas juvenile justice code, *including, but not limited to:*

- 7 (1) *Data related to the use of detention risk assessment tool;*  
8 (2) *individual level data for juveniles on probation;*  
9 (3) *costs for juveniles on probation;*  
10 (4) *individual level data regarding juvenile filings;*  
11 (5) *risk and needs assessment override data;*  
12 (6) *violation data for juveniles on probation; and*  
13 (7) *the following information for juveniles who enter into an*  
14 *immediate intervention plan:*

15 (A) *The number of juvenile offenders who were diverted at the point*  
16 *of initial law enforcement contact by juvenile intake and assessment, by*  
17 *the county or district attorney before filing with the court and by the*  
18 *county or district attorney after filing with the court;*

19 (B) *the number of notice to appear citations issued and the number of*  
20 *school-based notice to appear citations issued in each school district;*

21 (C) *new offense referrals to juvenile court or criminal court within*  
22 *three years of completion of an immediate intervention, release from court*  
23 *jurisdiction or release from agency custody;*

24 (D) *juvenile offender adjudications or child in need of care*  
25 *adjudications for a status offense or conviction by a criminal court within*  
26 *three years of completion of the immediate intervention, release from court*  
27 *jurisdiction or release from agency custody;*

28 (E) *the length of supervision for immediate interventions; and*

29 (F) *rates of immediate intervention completions and failures,*  
30 *including the reasons for such failures.*

31 (d) "Juvenile justice agency" means any county or district attorney,  
32 law enforcement agency of this state or of any political subdivision of this  
33 state, court of this state or of a municipality of this state, administrative  
34 agency of this state or any political subdivision of this state, juvenile  
35 correctional facility or juvenile detention facility.

36 (e) "Reportable event" means:

- 37 (1) Issuance of a warrant to take a juvenile into custody;  
38 (2) taking a juvenile into custody pursuant to this code;  
39 (3) release of a juvenile who has been taken into custody pursuant to  
40 this code, without the filing of a complaint;  
41 (4) dismissal of a complaint filed pursuant to this code;  
42 (5) a trial in a proceeding pursuant to this code;  
43 (6) a sentence in a proceeding pursuant to this code;

1 (7) commitment to or placement in a ~~youth residential facility,~~  
2 juvenile detention facility or juvenile correctional facility pursuant to this  
3 code;

4 (8) release or discharge from commitment or jurisdiction of the court  
5 pursuant to this code;

6 (9) escaping from commitment or absconding from placement  
7 pursuant to this code;

8 (10) entry of a mandate of an appellate court that reverses the  
9 decision of the trial court relating to a reportable event;

10 (11) an order authorizing prosecution as an adult;

11 (12) the issuance of an intake and assessment report;

12 (13) the report from a reception and diagnostic center; or

13 (14) any other event arising out of or occurring during the course of  
14 proceedings pursuant to this code and declared to be reportable by rules  
15 and regulations of the director.

16 Sec. ~~32~~ **33**. On and after January 1, 2017, K.S.A. 2015 Supp. 38-  
17 2330 is hereby amended to read as follows: 38-2330. (a) A law  
18 enforcement officer may take a juvenile into custody when:

19 (1) Any offense has been or is being committed in the officer's view;

20 (2) the officer has a warrant commanding that the juvenile be taken  
21 into custody;

22 (3) the officer has probable cause to believe that a warrant or order  
23 commanding that the juvenile be taken into custody has been issued in this  
24 state or in another jurisdiction for an act committed therein;

25 (4) the officer has probable cause to believe that the juvenile is  
26 committing or has committed an act which, if committed by an adult,  
27 would constitute:

28 (A) A felony; or

29 (B) a misdemeanor and: (i) The juvenile will not be apprehended or  
30 evidence of the offense will be irretrievably lost unless the juvenile is  
31 immediately taken into custody; or (ii) the juvenile may cause injury to  
32 self or others or damage to property or may be injured unless immediately  
33 taken into custody;

34 (5) the officer has probable cause to believe that the juvenile has  
35 violated an order for electronic monitoring as a term of probation; or

36 (6) the officer receives a written statement pursuant to subsection (c).

37 (b) A court services officer, juvenile community corrections officer or  
38 other person authorized to supervise juveniles subject to this code, may  
39 take a juvenile into custody when: (1) There is a warrant commanding that  
40 the juvenile be taken into custody; *or* (2) the officer has probable cause to  
41 believe that a warrant or order commanding that the juvenile be taken into  
42 custody has been issued in this state or in another jurisdiction for an act  
43 committed therein; ~~or (3) there is probable cause to believe that the~~

1 juvenile has violated a term of probation or placement.

2 (c) Any court services officer, juvenile community corrections officer  
3 or other person authorized to supervise juveniles subject to this code, may  
4 ~~arrest a juvenile without a warrant or may request any other officer with~~  
5 ~~power of arrest to arrest a juvenile without a warrant by giving the law~~  
6 ~~enforcement officer or the court~~ a written statement setting forth that the  
7 juvenile, in the judgment of the court services officer, juvenile community  
8 corrections officer or other person authorized to supervise juveniles  
9 subject to this code, has violated the condition of the juvenile's *conditional*  
10 *release from detention or probation, for the third or subsequent time and*  
11 *the juvenile poses a significant risk of physical harm to another or*  
12 ***damage to property.*** ~~The written statement delivered with the juvenile by~~  
13 ~~the arresting officer to the official in charge of a juvenile detention facility~~  
14 ~~or other place of detention shall be sufficient warrant for the detention of~~  
15 ~~the juvenile.~~

16 (d) (1) A juvenile taken into custody by a law enforcement officer *or*  
17 *other person authorized pursuant to subsection (b)* shall be brought  
18 without unnecessary delay to ~~an intake and assessment worker if an intake~~  
19 ~~and assessment program exists in the jurisdiction, or before the court for~~  
20 ~~proceedings in accordance with this code or, if the court is not open for the~~  
21 ~~regular conduct of business, to a court services officer, a juvenile intake~~  
22 ~~and assessment worker, a juvenile detention facility or youth residential~~  
23 ~~facility which the court or the commissioner shall have designated. The~~  
24 ~~officer shall not take the juvenile to a juvenile detention facility unless the~~  
25 ~~juvenile meets one or more of the criteria listed in subsection (b) of K.S.A.~~  
26 ~~2015 Supp. 38-2331, and amendments thereto. If the juvenile meets one or~~  
27 ~~more of such criteria, the officer shall first consider whether taking the~~  
28 ~~juvenile to an available nonsecure facility is more appropriate~~ *the custody*  
29 *of the juvenile's parent or other custodian, unless there are reasonable*  
30 *grounds to believe that such action would not be in the best interests of the*  
31 ***child or would pose a risk to public safety or property.***

32 (2) *If the juvenile cannot be delivered to the juvenile's parent or*  
33 *custodian, the officer may:*

34 (A) *Issue a notice to appear pursuant to subsection (g); or*

35 (B) *contact or deliver the juvenile to an intake and assessment*  
36 *worker for completion of the intake and assessment process pursuant to*  
37 *K.S.A. 75-7023, and amendments thereto.*

38 (3) It shall be the duty of the officer to furnish the county or district  
39 attorney and the juvenile intake and assessment worker if the officer has  
40 delivered the juvenile to the worker *or issued a notice to appear consistent*  
41 *with subsection (g), with all of the information in the officer's possession*  
42 *pertaining to the juvenile, the juvenile's parent or other persons interested*  
43 *in or likely to be interested in the juvenile and all other facts and*



1 circumstances which caused the juvenile to be arrested or taken into  
2 custody.

3 (e) In the absence of a court order to the contrary, the court or  
4 officials designated by the court, the county or district attorney or the law  
5 enforcement agency taking a juvenile into custody shall ~~have the authority~~  
6 ~~to direct the release prior to the time specified by subsection (a) of K.S.A.~~  
7 2015 Supp. 38-2343(a), and amendments thereto. In addition, ~~if an~~  
8 ~~agreement is established pursuant to K.S.A. 75-7023 and K.S.A. 2015~~  
9 Supp. 38-2346, and amendments thereto, a juvenile intake and assessment  
10 worker shall ~~have the authority to direct the release of a juvenile prior to a~~  
11 ~~detention hearing after the completion of the intake and assessment~~  
12 ~~process if the juvenile intake and assessment worker has reason to believe~~  
13 ~~that if released the juvenile will appear for further proceedings and will not~~  
14 ~~be dangerous to self or others.~~

15 (f) Whenever a person 18 years of age or more is taken into custody  
16 by a law enforcement officer for an alleged offense which was committed  
17 prior to the time the person reached the age of 18, the officer shall notify  
18 and refer the matter to the court for proceedings pursuant to this code,  
19 except that the provisions of this code relating to detention hearings shall  
20 not apply to that person. If *such person is eligible for detention is*  
21 ~~necessary, and all suitable alternatives to detention have been exhausted,~~  
22 the person shall be detained in jail. Unless the law enforcement officer  
23 took the person into custody pursuant to a warrant issued by the court and  
24 the warrant specifies the amount of bond or indicates that the person may  
25 be released on personal recognizance, the person shall be taken before the  
26 court of the county where the alleged act took place or, at the request of  
27 the person, the person shall be taken, without delay, before the nearest  
28 court. The court shall fix the terms and conditions of an appearance bond  
29 upon which the person may be released from custody. The provisions of  
30 article 28 of chapter 22 of the Kansas Statutes Annotated and K.S.A. 22-  
31 2901, and amendments thereto, relating to appearance bonds and review of  
32 conditions and release shall be applicable to appearance bonds provided  
33 for in this section.

34 (g) (1) *Whenever a law enforcement officer detains any juvenile and*  
35 *such juvenile is not immediately taken to juvenile intake and assessment*  
36 *services, the officer may serve upon such juvenile a written notice to*  
37 *appear. Such notice to appear shall contain the name and address of the*  
38 *juvenile detained, the crime charged and the location and phone number*  
39 *of the juvenile intake and assessment services ~~officer~~ office where the*  
40 *juvenile will need to appear with a parent or guardian.*

41 (2) *The juvenile intake and assessment services office specified in*  
42 *such notice to appear must be contacted by the juvenile or a parent or*  
43 *guardian no more than 48 hours after such notice is given, excluding*

1 weekends and holidays.

2 (3) *The juvenile detained, in order to secure release as provided in*  
3 *this section, must give a written promise to call within the time specified*  
4 *by signing the written notice prepared by the officer. The original notice*  
5 *shall be retained by the officer and a copy shall be delivered to the*  
6 *juvenile detained and that juvenile's parent or guardian if such juvenile is*  
7 *under 18 years of age. The officer shall then release the juvenile.*

8 (4) *The law enforcement officer shall cause to be filed, without*  
9 *unnecessary delay, a complaint with juvenile intake and assessment*  
10 *services in which a juvenile released pursuant to paragraph (3) is given*  
11 *notice to appear, charging the crime stated in such notice. A copy shall*  
12 *also be provided to the district or county attorney. If the juvenile released*  
13 *fails to contact juvenile intake and assessment services as required in the*  
14 *notice to appear, juvenile intake and assessment services shall notify the*  
15 *district or county attorney.*

16 (5) ***The notice to appear served pursuant to paragraph (1) and the***  
17 ***complaint filed pursuant to paragraph (4) shall may be provided to the***  
18 ***juvenile in a single citation.***

19 ~~Sec. 33.~~ **34.** On and after January 1, 2017, K.S.A. 2015 Supp. 38-  
20 2331 is hereby amended to read as follows: 38-2331. (a) ~~If no prior order~~  
21 ~~removing a juvenile from the juvenile's home pursuant to K.S.A. 2015~~  
22 ~~Supp. 38-2334 or 38-2335, and amendments thereto, has been made, The~~  
23 ~~court shall not enter an order removing a juvenile from the custody of a~~  
24 ~~parent pursuant to this section unless the court first finds probable cause~~  
25 ~~that a detention risk assessment conducted pursuant to K.S.A. 75-7023(d),~~  
26 ~~and amendments thereto, has assessed the juvenile as detention-eligible or~~  
27 ~~there are grounds to override the results of a detention risk assessment~~  
28 ~~tool and the court finds probable cause that:~~

29 ~~(1) (A) The juvenile is likely to sustain harm if not immediately~~  
30 ~~removed from the home;~~

31 ~~(B) allowing the juvenile to remain in home is contrary to the welfare~~  
32 ~~of the juvenile; or~~

33 ~~(C) immediate placement of the juvenile is in the juvenile's best~~  
34 ~~interest; and~~

35 ~~(2) reasonable efforts have been made to maintain the family unit and~~  
36 ~~prevent the unnecessary removal of the juvenile from the juvenile's home~~  
37 ~~or that an emergency exists which threatens the safety of the juvenile. The~~  
38 ~~court shall state the basis for each finding in writing.~~

39 ~~(b) Except as provided in subsection (c), a juvenile may be placed in~~  
40 ~~a juvenile detention facility pursuant to subsection (c) or (d) of K.S.A.~~  
41 ~~2015 Supp. 38-2330 or subsection (c) of K.S.A. 2015 Supp. 38-2343, and~~  
42 ~~amendments thereto, if one or more of the following conditions are met:~~

43 ~~(1) There is oral or written verification that the juvenile is a fugitive~~

1 sought for an offense in another jurisdiction, that the juvenile is currently  
2 an escapee from a juvenile detention facility or that the juvenile has  
3 absconded from a placement that is court ordered or designated by the  
4 juvenile justice authority.

5 (2) ~~There is probable cause to believe that the juvenile has committed~~  
6 ~~an offense which if committed by an adult would constitute a felony or any~~  
7 ~~crime described in article 55 of chapter 21 of the Kansas Statutes~~  
8 ~~Annotated, or K.S.A. 2015 Supp. 21-6419 through 21-6421, and~~  
9 ~~amendments thereto.~~

10 (3) ~~The juvenile has been adjudicated for a nonstatus offense and is~~  
11 ~~awaiting final court action on that offense.~~

12 (4) ~~The juvenile has a record of failure to appear in court or there is~~  
13 ~~probable cause to believe that the juvenile will flee the jurisdiction of the~~  
14 ~~court.~~

15 (5) ~~The juvenile has a history of violent behavior toward others.~~

16 (6) ~~The juvenile exhibited seriously assaultive or destructive behavior~~  
17 ~~or self-destructive behavior at the time of being taken into custody.~~

18 (7) ~~The juvenile has a record of adjudication or conviction of one or~~  
19 ~~more offenses which if committed by an adult would constitute a felony.~~

20 (8) ~~The juvenile is a juvenile offender who has been expelled from~~  
21 ~~placement in a nonsecure facility as a result of the current alleged offense.~~

22 (9) ~~The juvenile has been taken into custody by any court services~~  
23 ~~officer, juvenile community corrections officer or other person authorized~~  
24 ~~to supervise juveniles subject to this code pursuant to subsection (b) of~~  
25 ~~K.S.A. 2015 Supp. 38-2330, and amendments thereto.~~

26 (10) ~~The juvenile has violated probation or conditions of release.~~

27 (1) *Community-based alternatives to detention are insufficient to:*

28 (A) *Secure the presence of the juvenile at the next hearing as*  
29 *evidenced by a demonstrable record of recent failures to appear at*  
30 *juvenile court proceedings and an exhaustion of detention alternatives; or*

31 (B) *protect the physical safety of another person or property from*  
32 *serious threat if the juvenile is not detained; and*

33 (2) *The court shall state the basis for each finding in writing.*

34 (b) *Community-based alternatives to detention shall include, but not*  
35 *be limited to:*

36 (1) *Release on the youth's promise to appear;*

37 (2) *release to a parent, guardian or custodian upon the youth's*  
38 *assurance to secure such youth's appearance;*

39 (3) *release with the imposition of reasonable restrictions on*  
40 *activities, associations, movements and residence specifically related to*  
41 *securing the youth's appearance at the next court hearing;*

42 (4) *release to a voluntary community supervision program;*

43 (5) *release to a mandatory, court-ordered community supervision*

1 *program;*

2 (6) *release with mandatory participation in an electronic monitoring*  
3 *program with minimal restrictions on the youth's movement; or*

4 (7) *release with mandatory participation in an electronic monitoring*  
5 *program allowing the youth to leave home only to attend school, work,*  
6 *court hearings or other court-approved activities.*

7 (c) *No juvenile shall be placed in a juvenile detention center solely*  
8 *due to:*

9 (1) *A lack of supervision alternatives or service options;*

10 (2) *a parent avoiding legal responsibility;*

11 (3) *a risk of self-harm;*

12 (4) *contempt of court;*

13 (5) *a violation of a valid court order; or*

14 (6) *technical violations of conditional release unless there is*  
15 *probable cause that the juvenile poses a significant risk of harm to others*  
16 ***or damage to property** or the applicable graduated responses or sanctions*  
17 *protocol allows such placement.*

18 ~~(e)~~(d) *No person 18 years of age or more shall be placed in a juvenile*  
19 *detention center.*

20 ~~Sec. 34.~~ **35.** *On and after January 1, 2017, K.S.A. 2015 Supp. 38-*  
21 *2332 is hereby amended to read as follows: 38-2332. (a) No juvenile shall*  
22 *be detained or placed in any jail pursuant to the revised Kansas juvenile*  
23 *justice code except as provided by subsections (b), (c) and (d) and subject*  
24 *to K.S.A. 2015 Supp. 38-2330 and 38-2331, and amendments thereto.*

25 (b) *Upon being taken into custody, a juvenile may be detained*  
26 *temporarily in a jail, in quarters with sight and sound separation from adult*  
27 *prisoners, for the purpose of identifying and processing the juvenile and*  
28 *transferring the juvenile to a ~~youth residential facility~~ or juvenile detention*  
29 *facility. If a juvenile is detained in jail under this subsection, the juvenile*  
30 *shall be detained only for the minimum time necessary, not to exceed six*  
31 *hours, and in no case overnight.*

32 (c) *The provisions of this section shall not apply to detention of a*  
33 *juvenile:*

34 (1) (A) *Against whom a motion has been filed requesting prosecution*  
35 *as an adult pursuant to ~~subsection (a)(2)~~ of K.S.A. 2015 Supp. 38-2347(a)*  
36 *(2), and amendments thereto; and (B) who has received the benefit of a*  
37 *detention hearing pursuant to K.S.A. 2015 Supp. 38-2331, and*  
38 *amendments thereto;*

39 (2) *whose prosecution as an adult ~~or classification as an extended~~*  
40 *~~jurisdiction juvenile~~ **for classification as an extended jurisdiction***  
41 ***juvenile** has been authorized pursuant to K.S.A. 2015 Supp. 38-2347, and*  
42 *amendments thereto; or*

43 (3) *who has been convicted previously as an adult under the code of*

1 criminal procedure or the criminal laws of another state or foreign  
2 jurisdiction.

3 (d) The provisions of this section shall not apply to the detention of  
4 any person 18 years of age or more who is taken into custody and is being  
5 prosecuted in accordance with the provisions of the revised Kansas  
6 juvenile justice code.

7 (e) ~~The Kansas juvenile justice authority or the authority's~~  
8 *department of corrections or the department's* contractor shall have  
9 authority to review jail records to determine compliance with the  
10 provisions of this section.

11 ~~Sec. 35.~~ **36. On and after July 1, 2017**, K.S.A. 2015 Supp. 38-2342  
12 is hereby amended to read as follows: 38-2342. The court may issue a  
13 warrant commanding the juvenile be taken into custody if there is probable  
14 cause to believe: (a) That an offense was committed and it was committed  
15 by the juvenile; (b) the juvenile violated probation, conditional release, or  
16 conditions of release ~~or placement from detention for a third or subsequent~~  
17 *time and the juvenile poses a significant risk of physical harm to another*  
18 **or damage to property**; or (c) the juvenile has escaped from a facility. The  
19 warrant shall designate where or to whom the juvenile is to be taken  
20 pursuant to K.S.A. 2015 Supp. 38-2330(d)(1), and amendments thereto, if  
21 the court is not open for the regular conduct of business. The warrant shall  
22 describe the offense or violation charged in the complaint or the applicable  
23 circumstances of the juvenile's absconding or escaping.

24 ~~Sec. 36.~~ **37. On and after January July 1, 2017**, K.S.A. 2015 Supp.  
25 38-2343 is hereby amended to read as follows: 38-2343. (a) *Basis for*  
26 *extended detention; findings and placement.* Whenever a juvenile is taken  
27 into custody, the juvenile shall not remain in detention for more than 48  
28 hours, excluding Saturdays, Sundays, legal holidays, and days on which  
29 the office of the clerk of the court is not accessible, from the time the  
30 initial detention was imposed, unless the court determines after hearing,  
31 within the 48-hour period, that further detention ~~is necessary because~~  
32 ~~detention is warranted in light of all relevant factors, including, but not~~  
33 ~~limited to, based on the criteria listed in K.S.A. 2015 Supp. 38-2331, and~~  
34 ~~amendments thereto, and the juvenile is dangerous to self or others or is~~  
35 ~~not likely to appear for further proceedings.~~

36 (b) (1) If the juvenile is in custody on the basis of a new offense  
37 which would be a felony or misdemeanor if committed by an adult and no  
38 prior judicial determination of probable cause has been made, the court  
39 shall determine whether there is probable cause to believe that the juvenile  
40 has committed the alleged offense.

41 ~~(2) If the court finds the juvenile is dangerous to self or others, the~~  
42 ~~juvenile may be detained in a juvenile detention facility or youth~~  
43 ~~residential facility which the court shall designate.~~

1       ~~(3) If the court finds the juvenile is not likely to appear for further~~  
2 ~~proceedings, the juvenile may be detained in a juvenile detention facility~~  
3 ~~or youth residential facility which the court shall designate or may be~~  
4 ~~released upon the giving of an appearance bond in an amount specified by~~  
5 ~~the court and on the conditions the court may impose, in accordance with~~  
6 ~~the applicable provisions of article 28 of chapter 22 of the Kansas Statutes~~  
7 ~~Annotated, and amendments thereto.~~

8       ~~(4)(2) In the absence of the necessary findings, the court shall order~~  
9 ~~the juvenile released or placed in temporary custody as provided in~~  
10 ~~subsection (g).~~

11       ~~(b)(c) Waiver of detention hearing.~~ The detention hearing may be  
12 waived in writing by the juvenile and the juvenile's attorney with approval  
13 of the court. The right to a detention hearing may be reasserted in writing  
14 by the juvenile or the juvenile's attorney or parent at anytime not less than  
15 48 hours prior to trial.

16       ~~(e)(d) Notice of hearing.~~ Whenever it is determined that a detention  
17 hearing is required the court shall immediately set the time and place for  
18 the hearing. Except as otherwise provided by ~~subsection (e)(1) of K.S.A.~~  
19 ~~2015 Supp. 38-2332(c)(1), and amendments thereto,~~ notice of the  
20 detention hearing shall be given at least 24 hours prior to the hearing,  
21 unless waived.

22       When there is insufficient time to give written notice, oral notice may  
23 be given and is completed upon filing a certificate of oral notice with the  
24 clerk.

25       ~~(4)(e) Attorney for juvenile.~~ At the time set for the detention hearing  
26 if no retained attorney is present to represent the juvenile, the court shall  
27 appoint an attorney, and may recess the hearing for 24 hours, excluding  
28 Saturdays, Sundays and legal holidays, to obtain attendance of the attorney  
29 appointed.

30       ~~(e)(f) Hearing.~~ (1) The detention hearing is an informal procedure to  
31 which the ordinary rules of evidence do not apply. The court may consider  
32 affidavits, *detention risk assessment tool results*, professional reports and  
33 representations of counsel to make the necessary findings, if the court  
34 determines that these materials are sufficiently reliable.

35       (2) If probable cause to believe that the juvenile has committed an  
36 alleged offense is contested, the court shall allow the opportunity to  
37 present contrary evidence or information upon request.

38       (3) If the court orders the juvenile to be detained in a juvenile  
39 detention facility, the court shall record the specific findings of fact upon  
40 which the order is based, *including any reasons for overriding a detention*  
41 *risk assessment tool score.*

42       ~~(4)(g) Rehearing.~~ (1) If detention is ordered and the parent was not  
43 notified of the hearing and did not appear and later requests a rehearing,

1 the court shall rehear the matter without unnecessary delay.

2 (2) Within 14 days of the detention hearing, if the juvenile had not  
3 previously presented evidence regarding the determination of probable  
4 cause to believe that the juvenile has committed an offense, the juvenile  
5 may request a rehearing to contest the determination of probable cause to  
6 believe that the juvenile has committed an offense. The rehearing request  
7 shall identify evidence or information that the juvenile could not  
8 reasonably produce at the detention hearing. If the court determines that  
9 the evidence or information could not reasonably be produced at the  
10 detention hearing, the court shall rehear the matter without unnecessary  
11 delay.

12 ~~(g) *Temporary custody.* If the court determines that detention is not  
13 necessary but finds that release to the custody of a parent is not in the best  
14 interests of the juvenile, the court may place the juvenile in the temporary  
15 custody of some suitable person willing to accept temporary custody or the  
16 commissioner. Such finding shall be made in accordance with K.S.A. 2015  
17 Supp. 38-2334 and 38-2335, and amendments thereto.~~

18 (h) *Audio-video communications.* Detention hearings may be  
19 conducted by two-way electronic audio-video communication between the  
20 juvenile and the judge in lieu of personal presence of the juvenile or the  
21 juvenile's attorney in the courtroom from any location within Kansas in the  
22 discretion of the court. The juvenile may be accompanied by the juvenile's  
23 attorney during such proceedings or the juvenile's attorney may be  
24 personally present in court as long as a means of confidential  
25 communication between the juvenile and the juvenile's attorney is  
26 available.

27 (i) *Review hearing.* **The court shall hold a detention review hearing**  
28 **at least every ~~seven~~ 14 days that a juvenile is in detention to determine if**  
29 **the juvenile should continue to be held in detention. The provisions of**  
30 **this subsection shall not apply if the juvenile is charged with a crime**  
31 **that, if committed by an adult, would constitute an off-grid felony or a**  
32 **nondrug severity level 1 through 4 person felony.**

33 ~~Sec. ~~37~~ 38.~~ On and after January 1, 2017, K.S.A. 2015 Supp. 38-  
34 2344 is hereby amended to read as follows: 38-2344. (a) When the  
35 juvenile appears without an attorney in response to a complaint, the court  
36 shall inform the juvenile of the following:

- 37 (1) The nature of the charges in the complaint;
- 38 (2) the right to hire an attorney of the juvenile's own choice;
- 39 (3) the duty of the court to appoint an attorney for the juvenile if no  
40 attorney is hired by the juvenile or parent; ~~and~~
- 41 (4) that the court may require the juvenile or parent to pay the  
42 expense of a court appointed attorney; *and*
- 43 (5) *the right to be offered an immediate intervention pursuant to*

1 *K.S.A. 2015 Supp. 38-2346, and amendments thereto.*

2 Upon request the court shall give the juvenile or parent an opportunity  
3 to hire an attorney. If no request is made or the juvenile or parent is  
4 financially unable to hire an attorney, the court shall ~~forthwith~~ *promptly*  
5 appoint an attorney for the juvenile. The court shall afford the juvenile an  
6 opportunity to confer with the attorney before requiring the juvenile to  
7 plead to the allegations of the complaint.

8 (b) When the juvenile appears with an attorney in response to a  
9 complaint, the court shall require the juvenile to plead guilty, nolo  
10 contendere or not guilty to the allegations stated in the complaint, unless  
11 there is an application for and approval of an immediate intervention  
12 program. Prior to making this requirement, the court shall inform the  
13 juvenile of the following:

- 14 (1) The nature of the charges in the complaint;
- 15 (2) the right of the juvenile to be presumed innocent of each charge;
- 16 (3) the right to jury trial without unnecessary delay;
- 17 (4) the right to confront and cross-examine witnesses appearing in  
18 support of the allegations of the complaint;
- 19 (5) the right to subpoena witnesses;
- 20 (6) the right of the juvenile to testify or to decline to testify; and
- 21 (7) the sentencing alternatives the court may select as the result of the  
22 juvenile being adjudicated a juvenile offender.

23 (c) If the juvenile pleads guilty to the allegations contained in a  
24 complaint or pleads nolo contendere, the court shall determine, before  
25 accepting the plea and entering a sentence: (1) That there has been a  
26 voluntary waiver of the rights enumerated in subsections (b)(2), (3), (4),  
27 (5) and (6); and (2) that there is a factual basis for the plea.

28 (d) If the juvenile pleads not guilty, the court shall schedule a time  
29 and date for trial to the court.

30 (e) First appearance may be conducted by two-way electronic audio-  
31 video communication between the juvenile and the judge in lieu of  
32 personal presence of the juvenile or the juvenile's attorney in the  
33 courtroom from any location within Kansas in the discretion of the court.  
34 The juvenile may be accompanied by the juvenile's attorney during such  
35 proceedings or the juvenile's attorney may be personally present in court as  
36 long as a means of confidential communication between the juvenile and  
37 the juvenile's attorney is available.

38 ~~Sec. 38.~~ **39.** On and after January 1, 2017, K.S.A. 2015 Supp. 38-  
39 2346 is hereby amended to read as follows: 38-2346. (a) ~~Except as~~  
40 ~~provided in subsection (b),~~ Each *director of juvenile intake and assessment*  
41 *services in collaboration with the county or district attorney* ~~may~~ shall  
42 adopt a policy and establish guidelines for an immediate intervention  
43 ~~program~~ *process* by which a juvenile may avoid prosecution. *The*



1 *guidelines may include information on any offenders beyond those*  
 2 *enumerated in subsection (b)(1) that shall be referred to immediate*  
 3 *intervention. In addition to the county or district attorney juvenile intake*  
 4 *and assessment services adopting policies and guidelines for the*  
 5 *immediate intervention programs process, the court, the county or district*  
 6 *attorney and, the director of the intake and assessment center, and other*  
 7 *relevant individuals or organizations, pursuant to a written agreement,*  
 8 ~~may shall collaboratively~~ develop local programs to:

9 (1) Provide for the direct referral of cases *to immediate intervention*  
 10 *programs* by the county or district attorney ~~or and~~ the intake and  
 11 assessment worker, ~~or both,~~ to youth courts, restorative justice centers,  
 12 hearing officers or other local programs as sanctioned by the court.

13 (2) Allow intake and assessment workers to issue a summons, as  
 14 defined in subsection (e) ~~or and if the county or district attorney juvenile~~  
 15 *intake and assessment services* has adopted appropriate policies and  
 16 guidelines, allow law enforcement officers to issue such a summons.

17 (3) Allow the intake and assessment centers *and other immediate*  
 18 *intervention program providers* to directly purchase services for the  
 19 juvenile and the juvenile's family.

20 (4) Allow intake and assessment workers to direct the release of a  
 21 juvenile prior to a detention hearing after the completion of the intake and  
 22 assessment process ~~if the juvenile intake and assessment worker has~~  
 23 ~~reason to believe that if released the juvenile will appear for further~~  
 24 ~~proceedings and is not dangerous to self or others pursuant to K.S.A. 75-~~  
 25 ~~7023, and amendments thereto.~~

26 (b) ~~An immediate intervention program shall provide that an alleged~~  
 27 ~~juvenile offender is ineligible for such program if the juvenile faces~~  
 28 ~~pending charges as a juvenile offender, for committing acts which, if~~  
 29 ~~committed by an adult, would constitute:~~

30 (1) ~~A violation of K.S.A. 8-1567, and amendments thereto, and the~~  
 31 ~~juvenile: (A) Has previously participated in an immediate intervention~~  
 32 ~~program instead of prosecution of a complaint alleging a violation of that~~  
 33 ~~statute or an ordinance of a city in this state which prohibits the acts~~  
 34 ~~prohibited by that statute; (B) has previously been adjudicated of a~~  
 35 ~~violation of that statute or a violation of a law of another state or of a~~  
 36 ~~political subdivision of this or any other state, which law prohibits the acts~~  
 37 ~~prohibited by that statute; or (C) during the time of the alleged violation~~  
 38 ~~was involved in a motor vehicle accident or collision resulting in personal~~  
 39 ~~injury or death; or~~

40 (2) ~~a violation of an off-grid crime, a severity level 1, 2 or 3 felony~~  
 41 ~~for nondrug crimes, a drug severity level 1 or 2 felony for drug crimes~~  
 42 ~~committed prior to July 1, 2012, or a drug severity level 1, 2 or 3 felony~~  
 43 ~~for drug crimes committed on or after July 1, 2012.~~

1       ~~(e) An immediate intervention program may include a stipulation,~~  
2 ~~agreed to by the juvenile, the juvenile's attorney and the attorney general~~  
3 ~~or county or district attorney, of the facts upon which the charge is based~~  
4 ~~and a provision that if the juvenile fails to fulfill the terms of the specific~~  
5 ~~immediate intervention agreement and the immediate intervention~~  
6 ~~proceedings are resumed, the proceedings, including any proceedings on~~  
7 ~~appeal, shall be conducted on the record of the stipulation of facts.~~

8       (b) (1) *A juvenile who goes through the juvenile intake and*  
9 *assessment process pursuant to K.S.A. 75-7023, and amendments thereto,*  
10 *shall be offered the opportunity to participate in an immediate*  
11 *intervention program and avoid prosecution if the juvenile is charged with*  
12 *a misdemeanor or a violation of K.S.A. 2015 Supp. 21-5507, and*  
13 *amendments thereto, the juvenile has no prior adjudications, and the offer*  
14 *is made pursuant to the guidelines developed pursuant to this section.*

15       (2) *A juvenile may also participate in an immediate intervention*  
16 *program if the juvenile is referred for immediate intervention by the*  
17 *county or district attorney pursuant to subsection (d).*

18       (3) *Any juvenile referred to immediate intervention by juvenile intake*  
19 *and assessment services shall, upon acceptance, work together with court*  
20 *services, community corrections, juvenile intake and assessment services*  
21 *or any other entity designated as a part of the written agreement in*  
22 *subsection (a) to develop an immediate intervention plan. Such plan may*  
23 *be supervised or unsupervised by any of the aforementioned entities.*  
24 **The county or district attorneys office shall not be required to**  
25 **supervise juveniles participating in an immediate intervention**  
26 **program.**

27       (4) *The immediate intervention plan shall last no longer than ~~four~~ six*  
28 *months from the date of referral, unless the plan requires the juvenile to*  
29 *complete a mental health or substance abuse program that extends beyond*  
30 *the ~~four-month~~ six-month period. In such case, the plan may be extended*  
31 *up to two additional months.*

32       (5) *If the juvenile satisfactorily complies with the immediate*  
33 *intervention plan, such juvenile shall be discharged and the charges*  
34 *dismissed at the end of the time period specified in paragraph (4).*

35       (6) *If the juvenile fails to satisfactorily comply with the immediate*  
36 *intervention plan, the case shall be referred to a multidisciplinary team for*  
37 *review. The multidisciplinary team created pursuant to section 3, and*  
38 *amendments thereto, shall review the immediate intervention plan within*  
39 *seven days and may revise and extend such plan or terminate the case as*  
40 *successful. Such plan may be extended for no more than four additional*  
41 *months.*

42       (7) *If the juvenile fails to satisfactorily comply with the revised plan*  
43 *developed pursuant to paragraph (6), the intake and assessment worker,*

1 court services officer or community corrections officer overseeing the  
2 immediate intervention shall refer the case to the county or district  
3 attorney for consideration.

4 ~~(d)(c) The county or district attorney may require the parent of a~~  
5 juvenile may be required to be a part of the immediate intervention  
6 program.

7 (d) For all juveniles that have fewer than two prior adjudications, the  
8 county or district attorney shall review the case upon receipt of a  
9 complaint to determine if the case should be referred for immediate  
10 intervention or whether alternative means of adjudication should be  
11 designated pursuant to K.S.A. 2015 Supp. 38-2389, and amendments  
12 thereto. The county or district attorney shall consider any  
13 recommendation of a juvenile intake and assessment worker, court  
14 services officer or community corrections officer.

15 (e) "Summons" means a written order issued by an intake and  
16 assessment worker or a law enforcement officer directing that a juvenile  
17 appear before a designated court at a stated time and place to answer a  
18 pending charge.

19 ~~(f) The provisions of this section shall not be applicable in judicial~~  
20 ~~districts that adopt district court rules pursuant to K.S.A. 20-342, and~~  
21 ~~amendments thereto, for the administration of immediate intervention~~  
22 ~~programs by the district court A juvenile who is eligible for an immediate~~  
23 ~~intervention shall not be denied participation in such a program or~~  
24 ~~terminated unsuccessfully due to an inability to pay fees or other~~  
25 ~~associated costs. Fees assessed from such a program shall be retained by~~  
26 ~~the program and shall not be used for any purpose, except development~~  
27 ~~and operation of the program.~~

28 (g) If a juvenile substantially complies with an immediate  
29 intervention program, charges in such juvenile's case shall not be filed.

30 (h) The policies and guidelines developed pursuant to subsection (a)  
31 shall adhere to standards and procedures for immediate intervention  
32 developed by the department of corrections pursuant to section 7, and  
33 amendments thereto, and be based on best practices.

34 ~~Sec. 39. 40.~~ K.S.A. 2015 Supp. 38-2347 is hereby amended to read as  
35 follows: 38-2347. (a) ~~(1)~~ **{(1)}** Except as otherwise provided in this  
36 section, at any time after commencement of proceedings under this code  
37 against a juvenile and prior to the beginning of an evidentiary hearing at  
38 which the court may enter a sentence as provided in K.S.A. 2015 Supp.  
39 38-2356, and amendments thereto, the county or district attorney or the  
40 county or district attorney's designee may file a motion requesting that the  
41 court authorize prosecution of the juvenile as an adult under the applicable  
42 criminal statute. The juvenile shall be presumed to be a juvenile ~~unless~~  
43 ~~good cause is shown to prosecute the juvenile as an adult, and the~~

1 *presumption must be rebutted by a preponderance of the evidence.* No  
2 juvenile less than ~~12~~ 14 years of age shall be prosecuted as an adult.

3 ~~(2) The alleged juvenile offender shall be presumed to be an adult if~~  
4 ~~the alleged juvenile offender was: (A) 14, 15, 16 or 17 years of age at the~~  
5 ~~time of the offense or offenses alleged in the complaint, if any such~~  
6 ~~offense: (i) If committed by an adult, would constitute an off-grid crime, a~~  
7 ~~person felony or a nondrug severity level 1 through 6 felony; (ii)~~  
8 ~~committed prior to July 1, 2012, if committed by an adult prior to July 1,~~  
9 ~~2012, would constitute a drug severity level 1, 2 or 3 felony; (iii)~~  
10 ~~committed on or after July 1, 2012, if committed by an adult on or after~~  
11 ~~July 1, 2012, would constitute a drug severity level 1, 2, 3 or 4 felony; or~~  
12 ~~(iv) was committed while in possession of a firearm; or (B) charged with a~~  
13 ~~felony or with more than one offense, one or more of which constitutes a~~  
14 ~~felony, after having been adjudicated or convicted in a separate juvenile~~  
15 ~~proceeding as having committed an offense which would constitute a~~  
16 ~~felony if committed by an adult and the adjudications or convictions~~  
17 ~~occurred prior to the date of the commission of the new act charged and~~  
18 ~~prior to the beginning of an evidentiary hearing at which the court may~~  
19 ~~enter a sentence as provided in K.S.A. 2015 Supp. 38-2356, and~~  
20 ~~amendments thereto. If the juvenile is presumed to be an adult, the burden~~  
21 ~~is on the juvenile to rebut the presumption by a preponderance of the~~  
22 ~~evidence.~~

23 ~~(3) At any time after commencement of proceedings under this code~~  
24 ~~against a juvenile offender and prior to the beginning of an evidentiary~~  
25 ~~hearing at which the court may enter a sentence as provided in K.S.A.~~  
26 ~~2015 Supp. 38-2356, and amendments thereto, the county or district~~  
27 ~~attorney or the county or district attorney's designee may file a motion~~  
28 ~~requesting that the court designate the proceedings as an extended~~  
29 ~~jurisdiction juvenile prosecution.~~

30 ~~(4) If the county or district attorney or the county or district attorney's~~  
31 ~~designee files a motion to designate the proceedings as an extended~~  
32 ~~jurisdiction juvenile prosecution and the juvenile was 14, 15, 16 or 17~~  
33 ~~years of age at the time of the offense or offenses alleged in the complaint~~  
34 ~~and: (A) Charged with an offense: (i) If committed by an adult, would~~  
35 ~~constitute an off-grid crime, a person felony or a nondrug severity level 1~~  
36 ~~through 6 felony; (ii) committed prior to July 1, 2012, if committed by an~~  
37 ~~adult prior to July 1, 2012, would constitute a drug severity level 1, 2 or 3~~  
38 ~~felony; (iii) committed on or after July 1, 2012, if committed by an adult~~  
39 ~~on or after July 1, 2012, would constitute a drug severity level 1, 2, 3 or 4~~  
40 ~~felony; or (iv) was committed while in possession of a firearm; or (B)~~  
41 ~~charged with a felony or with more than one offense, one or more of~~  
42 ~~which constitutes a felony, after having been adjudicated or convicted in a~~  
43 ~~separate juvenile proceeding as having committed an act which would~~

1 constitute a felony if committed by an adult and the adjudications or  
2 convictions occurred prior to the date of the commission of the new  
3 offense charged, the burden is on the juvenile to rebut the designation of  
4 an extended jurisdiction juvenile prosecution by a preponderance of the  
5 evidence. In all other motions requesting that the court designate the  
6 proceedings as an extended jurisdiction juvenile prosecution, the juvenile  
7 is presumed to be a juvenile. The burden of proof is on the prosecutor to  
8 prove the juvenile should be designated as an extended jurisdiction  
9 juvenile.

10 (b) The motion also may contain a statement that the prosecuting  
11 attorney will introduce evidence of the offenses alleged in the complaint  
12 and request that, on hearing the motion and authorizing prosecution as an  
13 adult or designating the proceedings as an extended jurisdiction juvenile  
14 prosecution under this code, the court may make the findings required in a  
15 preliminary examination provided for in K.S.A. 22-2902, and amendments  
16 thereto, and the finding that there is no necessity for further preliminary  
17 examination.

18 *{(2) At any time after commencement of proceedings under this*  
19 *code against a juvenile offender for an offense which, if committed by*  
20 *an adult, would constitute an off-grid felony or a nondrug severity level*  
21 *1 through 4 person felony, and prior to the beginning of an evidentiary*  
22 *hearing at which the court may enter a sentence as provided in K.S.A.*  
23 *2015 Supp. 38-2356, and amendments thereto, the county or district*  
24 *attorney or the county or district attorney's designee may file a motion*  
25 *requesting that the court designate the proceedings as an extended*  
26 *jurisdiction juvenile prosecution.*

27 *(3) If the county or district attorney or the county or district*  
28 *attorney's designee files a motion to designate the proceedings as an*  
29 *extended jurisdiction juvenile prosecution, the burden of proof is on the*  
30 *prosecutor to prove the juvenile should be designated as an extended*  
31 *jurisdiction juvenile.}*

32 (e) (b) (1) Upon receiving the motion, the court shall set a time and  
33 place for hearing. The court shall give notice of the hearing to the juvenile,  
34 each parent, if service is possible, and the attorney representing the  
35 juvenile. The motion shall be heard and determined prior to any further  
36 proceedings on the complaint.

37 (2) At the hearing, the court shall inform the juvenile of the  
38 following:

39 (A) The nature of the charges in the complaint;

40 (B) the right of the juvenile to be presumed innocent of each charge;

41 (C) the right to trial without unnecessary delay and to confront and  
42 cross-examine witnesses appearing in support of the allegations of the  
43 complaint;

- 1 (D) the right to subpoena witnesses;  
2 (E) the right of the juvenile to testify or to decline to testify; and  
3 (F) the sentencing alternatives the court may select ~~as the result of the~~  
4 ~~juvenile being prosecuted under an extended jurisdiction juvenile~~  
5 ~~prosecution~~ ***{as the result of the juvenile being prosecuted under an***  
6 ***extended jurisdiction juvenile prosecution}***.

7 (d) (c) If the juvenile fails to appear for hearing on the motion after  
8 having been served with notice of the hearing, the court may hear and  
9 determine the motion in the absence of the juvenile. If the court is unable  
10 to obtain service of process and give notice of the hearing, the court may  
11 hear and determine the motion in the absence of the alleged juvenile  
12 offender after having given notice of the hearing at least once a week for  
13 two consecutive weeks in the official county newspaper of the county  
14 where the hearing will be held.

15 (e) (d) In determining whether or not prosecution as an adult should  
16 be authorized ~~or designating the proceeding as an extended jurisdiction~~  
17 ~~juvenile prosecution~~ ***{or designating the proceeding as an extended***  
18 ***jurisdiction juvenile prosecution}***, the court shall consider each of the  
19 following factors:

20 (1) The seriousness of the alleged offense and whether the protection  
21 of the community requires prosecution as an adult ~~or designating the~~  
22 ~~proceeding as an extended jurisdiction juvenile prosecution~~ ***{or***  
23 ***designating the proceeding as an extended jurisdiction juvenile***  
24 ***prosecution}***;

25 (2) whether the alleged offense was committed in an aggressive,  
26 violent, premeditated or willful manner;

27 (3) whether the offense was against a person or against property.  
28 Greater weight shall be given to offenses against persons, especially if  
29 personal injury resulted;

30 (4) the number of alleged offenses unadjudicated and pending against  
31 the juvenile;

32 (5) the previous history of the juvenile, including whether the  
33 juvenile had been adjudicated a juvenile offender under this code or the  
34 Kansas juvenile justice code and, if so, whether the offenses were against  
35 persons or property, and any other previous history of antisocial behavior  
36 or patterns of physical violence;

37 (6) the sophistication or maturity of the juvenile as determined by  
38 consideration of the juvenile's home, environment, emotional attitude,  
39 pattern of living or desire to be treated as an adult;

40 (7) whether there are facilities or programs available to the court  
41 which are likely to rehabilitate the juvenile prior to the expiration of the  
42 court's jurisdiction under this code; and

43 (8) whether the interests of the juvenile or of the community would

1 be better served by criminal prosecution ~~or extended jurisdiction juvenile~~  
2 ~~prosecution~~ *{or extended jurisdiction juvenile prosecution}*.

3 The insufficiency of evidence pertaining to any one or more of the  
4 factors listed in this subsection, in and of itself, shall not be determinative  
5 of the issue. Subject to the provisions of K.S.A. 2015 Supp. 38-2354, and  
6 amendments thereto, written reports and other materials relating to the  
7 juvenile's mental, physical, educational and social history may be  
8 considered by the court.

9 ~~(f)-(1)(e)~~ *{(1)}* The court may authorize prosecution as an adult upon  
10 completion of the hearing if the court finds from a preponderance of the  
11 evidence that the alleged juvenile offender should be prosecuted as an  
12 adult for the offense charged. In that case, the court shall direct the alleged  
13 juvenile offender be prosecuted under the applicable criminal statute and  
14 that the proceedings filed under this code be dismissed.

15 ~~(2) The court may designate the proceeding as an extended~~  
16 ~~jurisdiction juvenile prosecution upon completion of the hearing if the~~  
17 ~~juvenile has failed to rebut the presumption or the court finds from a~~  
18 ~~preponderance of the evidence that the juvenile should be prosecuted~~  
19 ~~under an extended jurisdiction juvenile prosecution.~~

20 ~~(3) After a proceeding in which prosecution as an adult is requested~~  
21 ~~pursuant to subsection (a)(2), and prosecution as an adult is not authorized,~~  
22 ~~the court may designate the proceedings to be an extended jurisdiction~~  
23 ~~juvenile prosecution.~~

24 ~~(4) A juvenile who is the subject of an extended jurisdiction juvenile~~  
25 ~~prosecution shall have the right to a trial by jury, to the effective assistance~~  
26 ~~of counsel and to all other rights of a defendant pursuant to the Kansas~~  
27 ~~code of criminal procedure. Each court shall adopt local rules to establish~~  
28 ~~the basic procedures for extended jurisdiction juvenile prosecution in such~~  
29 ~~court's jurisdiction.~~

30 ~~(g) If the juvenile is present in court and the court also finds from the~~  
31 ~~evidence that it appears a felony has been committed and that there is~~  
32 ~~probable cause to believe the felony has been committed by the juvenile,~~  
33 ~~the court may direct that there is no necessity for further preliminary~~  
34 ~~examination on the charges as provided for in K.S.A. 22-2902, and~~  
35 ~~amendments thereto. In that case, the court shall order the juvenile bound~~  
36 ~~over to the district judge having jurisdiction to try the case.~~

37 ~~(h) If the juvenile is convicted, the authorization for prosecution as an~~  
38 ~~adult shall attach and apply to any future prosecutions of the juvenile~~  
39 ~~which are or would be cognizable under this code. If the juvenile is not~~  
40 ~~convicted, the authorization for prosecution as an adult shall not attach and~~  
41 ~~shall not apply to future prosecutions of the juvenile which are or would be~~  
42 ~~cognizable under this code.~~

43 ~~(i) If the juvenile is prosecuted as an adult under subsection (a)(2) and~~

1 is not convicted in adult court of an offense listed in subsection (a)(2) but  
2 is convicted or adjudicated of a lesser included offense, the juvenile shall  
3 be a juvenile offender and receive a sentence pursuant to K.S.A. 2015-  
4 Supp. 38-2361, and amendments thereto.

5 *{(2) The court may designate the proceeding as an extended*  
6 *jurisdiction juvenile prosecution upon completion of the hearing if the*  
7 *court finds from a preponderance of the evidence that the juvenile*  
8 *should be prosecuted under an extended jurisdiction juvenile*  
9 *prosecution.*

10 *(3) After a proceeding in which prosecution as an adult is requested*  
11 *pursuant to subsection (a)(2), and prosecution as an adult is not*  
12 *authorized, the court may designate the proceedings to be an extended*  
13 *jurisdiction juvenile prosecution.*

14 *(4) A juvenile who is the subject of an extended jurisdiction juvenile*  
15 *prosecution shall have the right to a trial by jury, to the effective*  
16 *assistance of counsel and to all other rights of a defendant pursuant to*  
17 *the Kansas code of criminal procedure. Each court shall adopt local*  
18 *rules to establish the basic procedures for extended jurisdiction juvenile*  
19 *prosecution in such court's jurisdiction.}*

20 ~~Sec. 40.~~ **41.** K.S.A. 2015 Supp. 38-2360 is hereby amended to read as  
21 follows: 38-2360. (a) At any time after the juvenile has been adjudicated to  
22 be a juvenile offender, the court shall order one or more of the tools  
23 described in this subsection to be submitted to assist the court unless the  
24 court finds that adequate and current information *from a risk and needs*  
25 *assessment* is available from a previous investigation, report or other  
26 sources:

27 (1) An evaluation and written report by a mental health or a qualified  
28 professional stating the psychological or emotional development or needs  
29 of the juvenile. The court also may order a report from any mental health  
30 or qualified professional who has previously evaluated the juvenile stating  
31 the psychological or emotional development needs of the juvenile. If the  
32 court orders an evaluation as provided in this section, a parent of the  
33 juvenile shall have the right to obtain an independent evaluation at the  
34 expense of the parent. *If the evaluation indicates that the juvenile requires*  
35 *acute inpatient mental health or substance abuse treatment, the court shall*  
36 *have the authority to compel an assessment by the secretary for aging and*  
37 *disability services. The court may use the results to inform a treatment and*  
38 *payment plan according to the same eligibility process used for non-court-*  
39 *involved youth.*

40 (2) A report of the medical condition and needs of the juvenile. The  
41 court also may order a report from any physician who has been attending  
42 the juvenile, stating the diagnosis, condition and treatment afforded the  
43 juvenile.



1 (3) An educational needs assessment of the juvenile from the chief  
2 administrative officer of the school which the juvenile attends or attended  
3 to provide to the court information that is readily available which the  
4 school officials feel would properly indicate the educational needs of the  
5 juvenile. The educational needs assessment may include a meeting  
6 involving any of the following: (A) The juvenile's parents; (B) the  
7 juvenile's teacher or teachers; (C) the school psychologist; (D) a school  
8 special services representative; (E) a representative of the commissioner;  
9 (F) the juvenile's court appointed special advocate; (G) the juvenile's foster  
10 parents or legal guardian; and (H) other persons that the chief  
11 administrative officer of the school, or the officer's designee, deems  
12 appropriate.

13 (4) Any other presentence investigation and report from a court  
14 services officer which includes: (A) The circumstances of the offense; (B)  
15 the attitude of the complainant, victim or the victim's family; (C) the  
16 record of juvenile offenses; (D) the social history of the juvenile; and (E)  
17 the present condition of the juvenile; and ~~(F) a summary of the results~~  
18 ~~from a standardized risk assessment tool or instrument.~~ Except where  
19 specifically prohibited by law, all local governmental public and private  
20 educational institutions and state agencies shall furnish to the officer  
21 conducting the predispositional investigation the records the officer  
22 requests. Predispositional investigations shall contain other information  
23 prescribed by the court.

24 (5) The court in its discretion may direct that the parents submit a  
25 domestic relations affidavit.

26 (b) *A summary of the results from a risk and needs assessment shall*  
27 *be provided to the court post-adjudication, predisposition and used to*  
28 *inform supervision levels. A single, uniform risk and needs assessment*  
29 *shall be adopted by the office of judicial administration and the*  
30 *department of corrections to be used in all judicial districts. ~~The office of~~*  
31 *~~judicial administration and the department~~ secretary of corrections, in*  
32 *consultation with the Kansas juvenile justice oversight committee,*  
33 *shall establish cutoff scores determining risk levels of juveniles. Training*  
34 *on such risk and needs assessment shall be required for all administrators*  
35 *of the assessment. Data shall be collected on the results of the assessment*  
36 *to inform a validation study on the Kansas juvenile justice population to*  
37 *be conducted by June 30, 2020.*

38 (c) Expenses for post adjudication tools may be waived or assessed  
39 pursuant to ~~subsection (e)(2) of K.S.A. 2015 Supp. 38-2314(c)(2), and~~  
40 amendments thereto.

41 ~~(e)(d)~~ Except as otherwise prohibited by law or policy, the court shall  
42 make any of the reports ordered pursuant to subsection (a) available to the  
43 attorneys and shall allow the attorneys a reasonable time to review the

1 report before ordering the sentencing of the juvenile offender.

2 ~~(d)~~(e) At any time prior to sentencing, the judge, at the request of a  
3 party, shall hear additional evidence as to proposals for reasonable and  
4 appropriate sentencing of the case.

5 ~~Sec. 41.~~ **42. On and after July 1, 2017**, K.S.A. 2015 Supp. 38-2361  
6 is hereby amended to read as follows: 38-2361. (a) Upon adjudication as a  
7 juvenile offender pursuant to K.S.A. 2015 Supp. 38-2356, and  
8 amendments thereto, modification of sentence pursuant to K.S.A. 2015  
9 Supp. 38-2367, and amendments thereto, or violation of a condition of  
10 sentence pursuant to K.S.A. 2015 Supp. 38-2368, and amendments thereto;  
11 ~~and subject to K.S.A. 2015 Supp. 38-2365(a), and amendments thereto~~, the  
12 court may impose one or more of the following sentencing alternatives *for*  
13 *a fixed period pursuant to K.S.A. 2015 Supp. 38-2369 and section 1, and*  
14 *amendments thereto. In the event that any sentencing alternative chosen*  
15 *constitutes an order authorizing or requiring removal of the juvenile from*  
16 *the juvenile's home and such findings either have not previously been*  
17 *made or the findings are not or may no longer be current, the court shall*  
18 *make determinations as required by K.S.A. 2015 Supp. 38-2334 and 38-*  
19 *2335, and amendments thereto.*

20 (1) Place the juvenile on probation ~~through court services or~~  
21 ~~community corrections~~ for a fixed period *pursuant to section 1, and*  
22 *amendments thereto*, subject to terms and conditions the court deems  
23 appropriate consistent with juvenile justice programs in the community.  
24 *Any juvenile placed on probation shall be supervised according to the*  
25 *juvenile's risk and needs as determined by a risk and needs assessment.*  
26 **Placement of juvenile offenders to community corrections for**  
27 **probation supervision shall be limited to offenders adjudicated for a**  
28 **felony offense that are determined to be moderate-risk, high-risk or**  
29 **very high-risk on a risk and needs assessment using the cutoff scores**  
30 **established by the secretary pursuant to K.S.A. 2015 Supp. 38-2360,**  
31 **and amendments thereto.**

32 (2) Order the juvenile to participate in a community based program  
33 available in such judicial district subject to the terms and conditions the  
34 court deems appropriate. This alternative shall not be ordered with the  
35 alternative in paragraph ~~(12)~~ and when ordered with the alternative in  
36 paragraph ~~(10)~~ shall constitute a recommendation *(11)*. Requirements  
37 pertaining to child support may apply if custody is vested with other than a  
38 parent.

39 (3) Place the juvenile in the custody of a parent or other suitable  
40 person, *which is not a group home or other facility* ~~license~~ **licensed**  
41 *pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and*  
42 *amendments thereto*, subject to terms and conditions consistent with  
43 juvenile justice programs in the community. This alternative shall not be

1 ordered with the alternative in paragraph ~~(10) or (12)~~ (11). Requirements  
2 pertaining to child support may apply if custody is vested with other than a  
3 parent.

4 (4) Order the juvenile to attend counseling, educational, mediation or  
5 other sessions, or to undergo a drug evaluation pursuant to subsection (b).

6 (5) Suspend or restrict the juvenile's driver's license or privilege to  
7 operate a motor vehicle on the streets and highways of this state pursuant  
8 to subsection (c).

9 (6) Order the juvenile to perform charitable or community service  
10 work.

11 (7) Order the juvenile to make appropriate reparation or restitution  
12 pursuant to subsection (d).

13 (8) Order the juvenile to pay a fine not exceeding \$1,000 pursuant to  
14 subsection (e).

15 (9) Place the juvenile under a house arrest program administered by  
16 the court pursuant to K.S.A. 2015 Supp. 21-6609, and amendments  
17 thereto.

18 ~~(10) Place the juvenile in the custody of the secretary of corrections~~  
19 ~~as provided in K.S.A. 2015 Supp. 38-2365, and amendments thereto. This~~  
20 ~~alternative shall not be ordered with the alternative in paragraph (3) or~~  
21 ~~(12). Except for a mandatory drug and alcohol evaluation, when this~~  
22 ~~alternative is ordered with alternatives in paragraphs (2), (4) and (9), such~~  
23 ~~orders shall constitute a recommendation by the court. Requirements~~  
24 ~~pertaining to child support shall apply under this alternative.~~

25 ***(10) Place the juvenile in the custody of the secretary of corrections***  
26 ***as provided in K.S.A. 2015 Supp. 38-2365, and amendments thereto.***  
27 ***This alternative shall not be ordered with the alternative in paragraph***  
28 ***(3) or (12). Except for mandatory drug and alcohol evaluation, when***  
29 ***this alternative is ordered with alternatives in paragraphs (2), (4) and***  
30 ***(9), such orders shall constitute a recommendation by the court.***  
31 ***Requirements pertaining to child support shall apply under this***  
32 ***alternative. The provisions of this paragraph shall expire on ~~July~~***  
33 ***January 1, 2018.***

34 ~~(11)~~***(11) Upon a violation of a condition of sentence, other than a***  
35 ***technical violation pursuant to K.S.A. 2015 Supp. 38-2368, and***  
36 ***amendments thereto, commit the juvenile to a sanctions house detention***  
37 ***for a period no longer than ~~28~~ 30 days subject to the provisions of***  
38 ***subsection (g).***

39 ~~(12)~~~~(11)~~***(12) If the judge finds and enters into the written record that***  
40 ***the juvenile poses a significant risk of harm to another or damage to***  
41 ***property, and the juvenile is otherwise eligible for commitment pursuant to***  
42 ***K.S.A. 2015 Supp. 38-2369, and amendments thereto, commit the juvenile***  
43 ***directly to the custody of the secretary of corrections for a period of***

1 ~~confinement~~ placement in a juvenile correctional facility ~~and or a youth~~  
2 ~~residential facility. Placement in a youth residential facility shall only~~  
3 ~~be permitted as authorized in K.S.A. 2015 Supp. 38-2369(e), and~~  
4 ~~amendments thereto. If the court elects, a period of aftercare conditional~~  
5 ~~release pursuant to K.S.A. 2015 Supp. 38-2369, and amendments thereto,~~  
6 ~~may also be ordered. The provisions of K.S.A. 2015 Supp. 38-2365, and~~  
7 ~~amendments thereto, shall not apply to juveniles committed pursuant to~~  
8 ~~this provision, provided however, that 21 The period of conditional release~~  
9 ~~shall be limited to a maximum of six months and shall be subject to~~  
10 ~~graduated responses. Twenty-one days prior to the juvenile's release from a~~  
11 ~~juvenile correctional facility, the secretary of corrections or designee shall~~  
12 ~~notify the court of the juvenile's anticipated release date. The court shall~~  
13 ~~set and hold a permanency hearing pursuant to K.S.A. 2015 Supp. 38-~~  
14 ~~2365, and amendments thereto, within seven days after the juvenile's~~  
15 ~~release. This alternative may be ordered with the alternative in paragraph~~  
16 ~~(7). Requirements pertaining to child support shall apply under this~~  
17 ~~alternative.~~

18 (b) If the court orders the juvenile to attend counseling, educational,  
19 mediation or other sessions, or to undergo a drug and alcohol evaluation  
20 pursuant to subsection (a)(4), the following provisions apply:

21 (1) The court may order the juvenile offender to participate in  
22 counseling or mediation sessions or a program of education, including  
23 placement in an alternative educational program approved by a local  
24 school board. The costs of any counseling or mediation may be assessed as  
25 expenses in the case. No mental health center shall charge a fee for court-  
26 ordered counseling greater than what the center would have charged the  
27 person receiving the counseling if the person had requested counseling on  
28 the person's own initiative. No mediator shall charge a fee for court-  
29 ordered mediation greater than what the mediator would have charged the  
30 person participating in the mediation if the person had requested mediation  
31 on the person's own initiative. Mediation may include the victim but shall  
32 not be mandatory for the victim; and

33 (2) if the juvenile has been adjudicated to be a juvenile by reason of a  
34 violation of a statute that makes such a requirement, the court shall order  
35 and, if adjudicated for any other offense, the court may order the juvenile  
36 to submit to and complete a drug and alcohol evaluation by a community-  
37 based drug and alcohol safety action program certified pursuant to K.S.A.  
38 8-1008, and amendments thereto, and to pay a fee not to exceed the fee  
39 established by that statute for such evaluation. The court may waive the  
40 mandatory evaluation if the court finds that the juvenile completed a drug  
41 and alcohol evaluation, approved by the community-based alcohol and  
42 drug safety action program, within 12 months before sentencing. If the  
43 evaluation occurred more than 12 months before sentencing, the court

1 shall order the juvenile to resubmit to and complete the evaluation and  
2 program as provided herein. If the court finds that the juvenile and those  
3 legally liable for the juvenile's support are indigent, the court may waive  
4 the fee. In no event shall the fee be assessed against the secretary of  
5 corrections or the department of corrections nor shall the fee be assessed  
6 against the secretary of the department for children and families or the  
7 Kansas department for children and families if the juvenile is in the  
8 secretary's care, custody and control.

9 (c) If the court orders suspension or restriction of a juvenile offender's  
10 driver's license or privilege to operate a motor vehicle on the streets and  
11 highways of this state pursuant to subsection (a)(5), the following  
12 provisions apply:

13 (1) The duration of the suspension ordered by the court shall be for a  
14 definite time period to be determined by the court. Upon suspension of a  
15 license pursuant to this subsection, the court shall require the juvenile  
16 offender to surrender the license to the court. The court shall transmit the  
17 license to the division of motor vehicles of the department of revenue, to  
18 be retained until the period of suspension expires. At that time, the licensee  
19 may apply to the division for return of the license. If the license has  
20 expired, the juvenile offender may apply for a new license, which shall be  
21 issued promptly upon payment of the proper fee and satisfaction of other  
22 conditions established by law for obtaining a license unless another  
23 suspension or revocation of the juvenile offender's privilege to operate a  
24 motor vehicle is in effect. As used in this subsection, "highway" and  
25 "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and  
26 amendments thereto. Any juvenile offender who does not have a driver's  
27 license may have driving privileges revoked. No Kansas driver's license  
28 shall be issued to a juvenile offender whose driving privileges have been  
29 revoked pursuant to this section for a definite time period to be determined  
30 by the court; and

31 (2) in lieu of suspending a juvenile offender's driver's license or  
32 privilege to operate a motor vehicle on the highways of this state, the court  
33 may enter an order which places conditions on the juvenile offender's  
34 privilege of operating a motor vehicle on the streets and highways of this  
35 state, a certified copy of which the juvenile offender shall be required to  
36 carry any time the juvenile offender is operating a motor vehicle on the  
37 streets and highways of this state. The order shall prescribe a definite time  
38 period for the conditions imposed. Upon entering an order restricting a  
39 juvenile offender's license, the court shall require the juvenile offender to  
40 surrender such juvenile offender's license to the court. The court shall  
41 transmit the license to the division of vehicles, together with a copy of the  
42 order. Upon receipt thereof, the division of vehicles shall issue without  
43 charge a driver's license which shall indicate on its face that conditions

1 have been imposed on the juvenile offender's privilege of operating a  
2 motor vehicle and that a certified copy of the order imposing the  
3 conditions is required to be carried by the juvenile offender when  
4 operating a motor vehicle on the streets and highways of this state. If the  
5 juvenile offender is a nonresident, the court shall cause a copy of the order  
6 to be transmitted to the division and the division shall forward a copy of it  
7 to the motor vehicle administrator of the juvenile offender's state of  
8 issuance. The court shall furnish to any juvenile offender whose driver's  
9 license has had conditions imposed on it under this section a copy of the  
10 order, which shall be recognized as a valid Kansas driver's license until the  
11 division issues the restricted license provided for in this subsection. Upon  
12 expiration of the period of time for which conditions are imposed pursuant  
13 to this subsection, the juvenile offender may apply to the division for the  
14 return of the license previously surrendered by the juvenile offender. In the  
15 event the license has expired, the juvenile offender may apply to the  
16 division for a new license, which shall be issued immediately by the  
17 division upon payment of the proper fee and satisfaction of the other  
18 conditions established by law unless such juvenile offender's privilege to  
19 operate a motor vehicle on the streets and highways of this state has been  
20 suspended or revoked prior thereto. If any juvenile offender violates any of  
21 the conditions imposed under this subsection, the juvenile offender's  
22 driver's license or privilege to operate a motor vehicle on the streets and  
23 highways of this state shall be revoked for a period as determined by the  
24 court in which the juvenile offender is convicted of violating such  
25 conditions.

26 (d) The following provisions apply to the court's determination of  
27 whether to order reparation or restitution pursuant to subsection (a)(7):

28 (1) The court shall order the juvenile to make reparation or restitution  
29 to the aggrieved party for the damage or loss caused by the juvenile  
30 offender's offense unless it finds compelling circumstances that would  
31 render a plan of reparation or restitution unworkable. If the court finds  
32 compelling circumstances that would render a plan of reparation or  
33 restitution unworkable, the court shall enter such findings with  
34 particularity on the record. In lieu of reparation or restitution, the court  
35 may order the juvenile to perform charitable or social service for  
36 organizations performing services for the community; and

37 (2) restitution may include, but shall not be limited to, the amount of  
38 damage or loss caused by the juvenile's offense. Restitution may be made  
39 by payment of an amount fixed by the court or by working for the parties  
40 sustaining loss in the manner ordered by the court. An order of monetary  
41 restitution shall be a judgment against the juvenile that may be collected  
42 by the court by garnishment or other execution as on judgments in civil  
43 cases. Such judgment shall not be affected by the termination of the court's

1 jurisdiction over the juvenile offender.

2 (e) If the court imposes a fine pursuant to subsection (a)(8), the  
3 following provisions apply:

4 (1) The amount of the fine may not exceed \$1,000 for each offense.  
5 The amount of the fine should be related to the seriousness of the offense  
6 and the juvenile's ability to pay. Payment of a fine may be required in a  
7 lump sum or installments;

8 (2) in determining whether to impose a fine and the amount to be  
9 imposed, the court shall consider that imposition of a fine is most  
10 appropriate in cases where the juvenile has derived pecuniary gain from  
11 the offense and that imposition of a restitution order is preferable to  
12 imposition of a fine; and

13 (3) any fine imposed by court shall be a judgment against the juvenile  
14 that may be collected by the court by garnishment or other execution as on  
15 judgments in civil cases. Such judgment shall not be affected by the  
16 termination of the court's jurisdiction over the juvenile.

17 (f) ~~Before the court places the juvenile in a detention center as part of~~  
18 ~~probation or community corrections pursuant to subsection (a)(1), places~~  
19 ~~the juvenile under a house arrest program pursuant to subsection (a)(9),~~  
20 ~~places the juvenile in the custody of the secretary of corrections pursuant~~  
21 ~~to subsection (a)(10), commits the juvenile to a sanctions house pursuant~~  
22 ~~to subsection (a)(11) or commits the juvenile directly to the custody of the~~  
23 ~~secretary of corrections for a period of confinement in a juvenile~~  
24 ~~correctional facility pursuant to subsection (a)(12),~~ *sentences a juvenile*  
25 *offender pursuant to subsection (a),* the court shall administer a risk  
26 assessment tool, as described in K.S.A. 2015 Supp. 38-2360, and  
27 amendments thereto, or review a risk assessment tool that was  
28 administered within the past six months to the juvenile *and use the results*  
29 *of that assessment to inform orders made pursuant to K.S.A. 2015 Supp.*  
30 *38-2369 and section 1, and amendments thereto.*

31 (g) If the court commits the juvenile to ~~a sanctions house detention~~  
32 ~~pursuant to subsection (a)(11)(10)(11)~~, the following provisions shall  
33 apply:

34 (1) ~~The court may~~ *shall only* order commitment ~~for up to 28 days for~~  
35 ~~the same offense or to detention upon~~ violation of sentencing ~~condition~~  
36 ~~conditions where all other alternatives have been exhausted.~~

37 (2) *In order to commit a juvenile to detention upon violation of*  
38 *sentencing conditions, the court shall find that the juvenile poses a*  
39 *significant risk of harm to another **or damage to property**, is charged with*  
40 *a new felony offense, or violates conditional release.*

41 (3) *The court shall not order commitment to detention upon*  
42 *adjudication as a juvenile offender pursuant to K.S.A. 2015 Supp. 38-*  
43 *2356, and amendments thereto, for solely technical violations of*

1 *probation, contempt, a violation of a valid court order, to protect from self-*  
2 *harm or due to any state or county failure to find adequate alternatives.*

3 (4) *Cumulative detention use shall be limited to a maximum of ~~30~~ 45*  
4 *days over the course of a juvenile offender's case pursuant to section 1,*  
5 *and amendments thereto. The court shall review~~—the any detention~~*  
6 *commitment every seven days and, may shorten the initial commitment or;*  
7 *if the initial term is less than 28 days, may extend the commitment; In no*  
8 *case, however, may the term of detention or any extension thereof exceed*  
9 *the cumulative detention limit of ~~30~~ 45 days or the overall case length*  
10 *limit.*

11 (2) ~~if, in the sentencing order, the court orders a sanctions house~~  
12 ~~placement for a verifiable probation violation and such probation violation~~  
13 ~~occurs, the juvenile may immediately be taken to a sanctions house and~~  
14 ~~detained for no more than 48 hours, excluding Saturdays, Sundays,~~  
15 ~~holidays, and days on which the office of the clerk of the court is not~~  
16 ~~accessible, prior to court review of the placement. The court and all parties~~  
17 ~~shall be notified of the sanctions house placement; and~~

18 (3)(5) A juvenile over 18 years of age and less than 23 years of age at  
19 sentencing shall be committed to a county jail, in lieu of a ~~sanctions house~~  
20 *juvenile detention center*, under the same time restrictions imposed by  
21 paragraph (1), but shall not be committed to or confined in a juvenile  
22 detention facility.

23 (h) Any order issued by the judge pursuant to this section shall be in  
24 effect immediately upon entry into the court's minutes.

25 (i) In addition to the requirements of K.S.A. 2015 Supp. 38-2373, and  
26 amendments thereto, if a person is under 18 years of age and convicted of  
27 a felony or adjudicated as a juvenile offender for an offense if committed  
28 by an adult would constitute the commission of a felony, the court shall  
29 forward a signed copy of the journal entry to the secretary of corrections  
30 within 30 days of final disposition.

31 (j) Except as further provided, if a juvenile has been adjudged to be a  
32 juvenile offender for an offense that if committed by an adult would  
33 constitute the commission of: (1) Aggravated human trafficking, as defined  
34 in K.S.A. 2015 Supp. 21-5426(b), and amendments thereto, if the victim is  
35 less than 14 years of age; (2) rape, as defined in K.S.A. 2015 Supp. 21-  
36 5503(a)(3), and amendments thereto; (3) aggravated indecent liberties with  
37 a child, as defined in K.S.A. 2015 Supp. 21-5506(b)(3), and amendments  
38 thereto; (4) aggravated criminal sodomy, as defined in K.S.A. 2015 Supp.  
39 21-5504(b)(1) or (b)(2), and amendments thereto; (5) commercial sexual  
40 exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and  
41 amendments thereto, if the victim is less than 14 years of age; (6) sexual  
42 exploitation of a child, as defined in K.S.A. 2015 Supp. 21-5510(a)(1) or  
43 (a)(4), and amendments thereto, if the victim is less than 14 years of age;



1 or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A.  
 2 2015 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an  
 3 offense defined in paragraphs (1) through (6); the court shall issue an order  
 4 prohibiting the juvenile from attending the attendance center that the  
 5 victim of the offense attends. If only one attendance center exists, for  
 6 which the victim and juvenile are eligible to attend, in the school district  
 7 where the victim and the juvenile reside, the court shall hear testimony and  
 8 take evidence from the victim, the juvenile, their families and a  
 9 representative of the school district as to why the juvenile should or should  
 10 not be allowed to remain at the attendance center attended by the victim.  
 11 After such hearing, the court may issue an order prohibiting the juvenile  
 12 from attending the attendance center that the victim of the offense attends.

13 (k) *The court may order a short-term alternative placement of a*  
 14 *juvenile pursuant to subsection (a)(3) in an emergency shelter, therapeutic*  
 15 *foster home or community integration program if:*

16 (1) *Such juvenile has been adjudicated to be a juvenile offender for an*  
 17 *offense that if committed by an adult would constitute the commission of:*

18 (A) *Aggravated human trafficking, as defined in K.S.A. 2015 Supp.*  
 19 *21-5426(b), and amendments thereto, if the victim is less than 14 years of*  
 20 *age;*

21 (B) ~~a sex offense~~ **rape**, *as defined in K.S.A. 2015 Supp. 21-5503, and*  
 22 *amendments thereto;*

23 (C) *commercial sexual exploitation of a child, as defined in K.S.A.*  
 24 *2015 Supp. 21-6422, and amendments thereto, if the victim is less than 14*  
 25 *years of age;*

26 (D) *sexual exploitation of a child, as defined in K.S.A. 2015 Supp.*  
 27 *21-5510(a)(1) or (a)(4), and amendments thereto, if the victim is less than*  
 28 *14 years of age;* ~~or~~

29 **(E) aggravated indecent liberties with a child, as defined in**  
 30 **K.S.A. 2015 Supp. 21-5506, and amendments thereto, if the victim is**  
 31 **less than 14 years of age; or**

32 ~~(F)~~ **(F)** *an attempt, conspiracy or criminal solicitation, as defined in*  
 33 *K.S.A. 2015 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto,*  
 34 *of an offense defined in paragraphs (1) through (4); and*

35 (2) (A) *the victim resides in the same home as the juvenile offender;*

36 (B) *a community supervision officer in consultation with the*  
 37 *department for children and families determines that an adequate safety*  
 38 *plan, which shall include the physical and psychological well-being of*  
 39 **the victim, cannot be developed to keep the juvenile in the same home;**  
 40 *and*

41 (C) *there are no relevant child in need of care issues that would*  
 42 *permit a case to be filed under the Kansas code for care of children.*

43 *The presumptive term of commitment shall not extend beyond three*

1 months and the overall case length limit but may be modified pursuant to  
2 K.S.A. 2015 Supp. 38-2367 and section 8, and amendments thereto. If a  
3 child is placed outside the child's home at the dispositional hearing  
4 pursuant to this subsection and no reintegration plan is made a part of the  
5 record of the hearing, a written reintegration plan shall be prepared  
6 pursuant to section 8, and amendments thereto, and submitted to the court  
7 within 15 days of the initial order of the court.

8 (l) The sentencing hearing shall be open to the public as provided in  
9 K.S.A. 2015 Supp. 38-2353, and amendments thereto.

10 (m) The overall case length limit shall be calculated by the court and  
11 entered into the written record when one or more of the sentencing options  
12 under this section are imposed. The period fixed by the court pursuant to  
13 subsection (a) shall not extend beyond the overall case length limit.

14 ~~{Sec. 42. 43. K.S.A. 2015 Supp. 38-2364 is hereby amended to read~~  
15 ~~as follows: 38-2364. (a) If an extended jurisdiction juvenile prosecution~~  
16 ~~results in a guilty plea or finding of guilt, the court shall:~~

17 (1) ~~Impose one or more juvenile sentences under K.S.A. 2015 Supp.~~  
18 ~~38-2361, and amendments thereto; and~~

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

23 (b) ~~When it appears that a person sentenced as an extended~~  
24 ~~jurisdiction juvenile has violated one or more conditions of the juvenile~~  
25 ~~sentence or is alleged to have committed a new offense, the court,~~  
26 ~~without notice, may revoke the stay and juvenile sentence and direct that~~  
27 ~~the juvenile offender be immediately taken into custody and delivered to~~  
28 ~~the secretary of corrections pursuant to K.S.A. 2015 Supp. 21-6712, and~~  
29 ~~amendments thereto. The court shall notify the juvenile offender and~~  
30 ~~such juvenile offender's attorney of record, in writing by personal~~  
31 ~~service, as provided in K.S.A. 60-303, and amendments thereto, or~~  
32 ~~certified mail, return receipt requested, of the reasons alleged to exist for~~  
33 ~~revocation of the stay of execution of the adult sentence. If the juvenile~~  
34 ~~offender challenges the reasons, The court shall hold a hearing on the~~  
35 ~~issue at which the juvenile offender is entitled to be heard and~~  
36 ~~represented by counsel. After the hearing, if the court finds by a~~  
37 ~~preponderance of the evidence that the juvenile committed a new offense~~  
38 ~~or violated one or more conditions of the juvenile's sentence, the court~~  
39 ~~shall revoke the juvenile sentence and order the imposition of the adult~~  
40 ~~sentence previously ordered pursuant to subsection (a)(2) or, upon~~  
41 ~~agreement of the county or district attorney and the juvenile offender's~~  
42 ~~attorney of record, the court may modify the adult sentence previously~~  
43 ~~ordered pursuant to subsection (a)(2). Upon such finding, the juvenile's~~

1 *extended jurisdiction status is terminated, and juvenile court jurisdiction*  
2 *is terminated. The ongoing jurisdiction for any adult sanction, other*  
3 *than the commitment to the department of corrections, is with the adult*  
4 *court. The juvenile offender shall be credited for time served in a*  
5 *juvenile correctional or detention facility on the juvenile sentence as*  
6 *service on any authorized adult sanction.*

7 (c) *Upon becoming 18 years of age, any juvenile who has been*  
8 *sentenced pursuant to subsection (a) and is serving the juvenile*  
9 *sentence, may move for a court hearing to review the sentence. If the*  
10 *sentence is continued, the court shall set a date of further review in no*  
11 *later than 36 months.*

12 Sec. 42. ~~43.~~ K.S.A. 2015 Supp. 38-2366 is hereby amended to read  
13 as follows: 38-2366. (a) When a juvenile offender who is:

14 (1) Under 16 years of age at the time of the sentencing, has been  
15 prosecuted and convicted as an adult or under the extended jurisdiction  
16 juvenile prosecution ~~for under the extended jurisdiction juvenile~~  
17 ~~prosecution~~, and has been placed in the custody of the secretary of the  
18 department of corrections, the secretary shall notify the sheriff having the  
19 offender in custody to convey such juvenile offender at a time designated  
20 by the department of corrections to a juvenile correctional facility. The  
21 secretary shall notify the court, in writing, of the initial placement of the  
22 offender in the specific juvenile correctional facility as soon as the  
23 placement has been accomplished.

24 (2) At least 16 but less than 18 years of age at the time of sentencing,  
25 has been prosecuted and convicted as an adult or under the extended  
26 jurisdiction juvenile prosecution ~~for under the extended jurisdiction~~  
27 ~~juvenile prosecution~~, and has been placed in the custody of the secretary,  
28 the secretary shall notify the sheriff having the offender in custody to  
29 convey such juvenile offender at a time designated by the department of  
30 corrections to a juvenile correctional facility or adult correctional  
31 institution. The secretary shall notify the court, in writing, of the initial  
32 placement of the offender in the specific juvenile correctional facility or  
33 adult correctional institution as soon as the placement has been  
34 accomplished.

35 The secretary shall not permit the juvenile offender to remain detained  
36 in any jail for more than 72 hours, excluding Saturdays, Sundays, legal  
37 holidays, and days on which the office of the clerk of the court is not  
38 accessible, after the secretary has received the written order of the court  
39 placing the offender in the custody of the secretary. If such placement  
40 cannot be accomplished, the offender may remain in jail for an additional  
41 period of time, not exceeding 10 days, which is specified by the secretary  
42 and approved by the court.

43 (b) Except as provided in subsection (a), a juvenile who has been

1 ~~prosecuted and convicted as an adult shall not be eligible for admission to~~  
2 ~~a juvenile correctional facility. All other conditions of the offender's~~  
3 ~~sentence imposed under this code, including restitution orders, may remain~~  
4 ~~intact.~~

5 Sec. ~~43.~~ *{44.}* K.S.A. 2015 Supp. 38-2367 is hereby amended to read  
6 as follows: 38-2367. (a) At any time after the entry of an order of custody  
7 or placement of a juvenile offender, the court, upon the court's own motion  
8 or the motion of the ~~commissioner~~ *secretary of corrections* or parent or  
9 any party, may modify the sentence imposed. Upon receipt of the motion,  
10 the court shall fix a time and place for hearing and provide notice to the  
11 movant and to the current custodian and placement of the juvenile offender  
12 and to each party to the proceeding. Except as established in subsection  
13 (b), after the hearing, if the court finds that the sentence previously  
14 imposed is not in the best interests of the juvenile offender, the court may  
15 rescind and set aside the sentence, and enter any sentence pursuant to  
16 K.S.A. 2015 Supp. 38-2361, and amendments thereto, *and the overall case*  
17 *length limit*, except that a child support order which has been registered  
18 under K.S.A. 2015 Supp. 38-2321, and amendments thereto, may only be  
19 modified pursuant to K.S.A. 2015 Supp. 38-2321, and amendments  
20 thereto.

21 (b) If the court determines that it is in the best interests of the juvenile  
22 offender to be returned to the custody of the parent or parents, the court  
23 shall so order.

24 (c) ~~If, during the proceedings, the court shall rescind an order~~  
25 ~~granting custody to a parent only if the court first finds determines that~~  
26 ~~there is probable cause to believe that: (1) (A) The juvenile is likely to~~  
27 ~~sustain harm if not immediately removed from the home;~~

28 ~~(B) allowing the juvenile to remain in home is contrary to the welfare~~  
29 ~~of the juvenile; or~~

30 ~~(C) immediate placement of the juvenile is in the juvenile's best~~  
31 ~~interest; and~~

32 (2) ~~reasonable efforts have been made to maintain the family unit and~~  
33 ~~prevent the unnecessary removal of the juvenile from the juvenile's home~~  
34 ~~or that an emergency exists which threatens the safety of the juvenile. The~~  
35 ~~court shall state the basis of each finding the juvenile is a child in need of~~  
36 ~~care as defined in K.S.A. 2015 Supp. 38-2022, and amendments thereto,~~  
37 ~~the court may refer the matter to the county or district attorney, who shall~~  
38 ~~file a petition as provided in K.S.A. 2015 Supp. 38-2234, and amendments~~  
39 ~~thereto, and refer the family to the Kansas department for children and~~  
40 ~~families for services.~~

41 (d) ~~If, during the proceedings, the court finds that a juvenile offender~~  
42 ~~needs a place to live and the court does not have probable cause to believe~~  
43 ~~the juvenile is a child in need of care as defined in K.S.A. 2015 Supp. 38-~~

1 2022, and amendments thereto, or if the child is emancipated or over the  
 2 age of 17, the court may authorize participation in a community  
 3 integration program.

4 (e) Any time within 60 days after a court has committed a juvenile  
 5 offender to a juvenile correctional facility the court may modify the  
 6 sentence and enter any other sentence, except that a child support order  
 7 which has been registered under K.S.A. 2015 Supp. 38-2321, and  
 8 amendments thereto, may only be modified pursuant to K.S.A. 2015 Supp.  
 9 38-2321, and amendments thereto.

10 ~~(e)~~(f) Any time after a court has committed a juvenile offender to a  
 11 juvenile correctional facility, the court may, upon motion by the  
 12 ~~commissioner~~ *secretary of corrections*, modify the sentence and enter any  
 13 other sentence if the court determines that:

14 (1) The medical condition of the juvenile justifies a reduction in  
 15 sentence; or

16 (2) the juvenile's exceptional adjustment and habilitation merit a  
 17 reduction in sentence.

18 ~~Sec. 44. {45.}~~ **On and after July 1, 2017**, K.S.A. 2015 Supp. 38-2368  
 19 is hereby amended to read as follows: 38-2368. ~~(a)~~ If it is alleged that a  
 20 juvenile offender has violated a condition of probation or of a court-  
 21 ordered placement, the county or district attorney, *the current custodian of*  
 22 *the juvenile offender*, or the victim of the offense committed by the  
 23 offender, may file a report with the assigned ~~court services~~ *community*  
 24 *supervision officer* ~~or the current custodian~~ and placement of the juvenile  
 25 offender. *If, upon review by the assigned community supervision officer* ~~or~~  
 26 ~~the current custodian~~ *of the juvenile offender, it is determined that the*  
 27 *violation is eligible under section 2, and amendments thereto, for review*  
 28 *by the court, the assigned community supervision officer* ~~or the current~~  
 29 ~~custodian~~ may file a report with the court describing the alleged violation.  
 30 The court shall provide copies of the report to the parties to the  
 31 proceeding. The court, upon the court's own motion or the motion of the  
 32 ~~commissioner~~ *secretary of corrections* or any party, shall set the matter for  
 33 hearing and may issue a warrant pursuant to K.S.A. 2015 Supp. 38-2342,  
 34 and amendments thereto, *if there is probable cause to believe that the*  
 35 *juvenile poses a significant risk of physical harm to another or damage to*  
 36 ***property***. Upon receipt of the motion, the court shall fix a time and place  
 37 for hearing and provide notice to the movant and to the current custodian  
 38 and placement of the juvenile offender and to each party to the proceeding.  
 39 ~~Except as set out in subsection (b),~~ If the court finds by a preponderance of  
 40 the evidence that the juvenile offender violated a condition of probation or  
 41 placement *or committed a technical violation for a third or subsequent*  
 42 *time*, the court may, *subject to the overall case length limit*, extend or  
 43 modify the terms of probation or placement or enter another sentence

1 pursuant to K.S.A. 2015 Supp. 38-2361, and amendments thereto, except  
2 that a child support order which has been registered under K.S.A. 2015  
3 Supp. 38-2321, and amendments thereto, may only be modified pursuant  
4 to K.S.A. 2015 Supp. 38-2321, and amendments thereto.

5 ~~(b) The court shall not enter an order removing a juvenile from the~~  
6 ~~e custody of a parent pursuant to this section unless the court first finds~~  
7 ~~probable cause that: (1) (A) The juvenile is likely to sustain harm if not~~  
8 ~~immediately removed from the home;~~

9 ~~(B) allowing the juvenile to remain in home is contrary to the welfare~~  
10 ~~of the juvenile; or~~

11 ~~(C) immediate placement of the juvenile is in the juvenile's best~~  
12 ~~interest; and~~

13 ~~(2) reasonable efforts have been made to maintain the family unit and~~  
14 ~~prevent the unnecessary removal of the juvenile from the juvenile's home~~  
15 ~~or that an emergency exists which threatens the safety of the juvenile. The~~  
16 ~~court shall state the basis of each finding in writing.~~

17 ~~Sec. 45. {46.} On and after July 1, 2017, K.S.A. 2015 Supp. 38-2369~~  
18 ~~is hereby amended to read as follows: 38-2369. (a) Except as provided in~~  
19 ~~subsection (e), for the purpose of committing juvenile offenders to a~~  
20 ~~juvenile correctional facility, upon a finding by the judge entered into the~~  
21 ~~written order that the juvenile poses a significant risk of harm to another~~  
22 ~~or damage to property, the following placements shall be applied by the~~  
23 ~~judge in felony or misdemeanor cases the cases specified in this~~  
24 ~~subsection. If used, the court shall establish a specific term of commitment~~  
25 ~~as specified in this subsection, unless the judge conducts a departure~~  
26 ~~hearing and finds substantial and compelling reasons to impose a departure~~  
27 ~~sentence as provided in K.S.A. 2015 Supp. 38-2371, and amendments~~  
28 ~~thereto. The term of commitment established by the court shall not exceed~~  
29 ~~the overall case length limit. Before a juvenile offender is committed to a~~  
30 ~~juvenile correctional facility pursuant to this section, the court shall~~  
31 ~~administer a risk assessment tool, as described in K.S.A. 2015 Supp. 38-~~  
32 ~~2360, and amendments thereto, or review a risk assessment tool that was~~  
33 ~~administered within the past six months to the juvenile.~~

34 (1) *Violent Offenders.* (A) The violent offender I is defined as an  
35 offender adjudicated as a juvenile offender for an offense which, if  
36 committed by an adult, would constitute an off-grid felony. Offenders in  
37 this category may be committed to a juvenile correctional facility for a  
38 ~~minimum term of 60 months and up to a minimum term of 60 months~~  
39 ~~and up to~~ a maximum term of the offender reaching the age of 22 years,  
40 six months. The aftercare term for this offender is set at a minimum term  
41 of six months and up to a maximum term of the offender reaching the age  
42 of 23 years ~~36 months, unless the judge conducts a departure hearing~~  
43 ~~pursuant to K.S.A. 2015 Supp. 38-2371, and amendments thereto, and~~

1 ~~finds substantial and compelling reasons to impose a departure sentence~~  
 2 ~~of up to 66 months the offender reaching the age of 22 years, six months.~~  
 3 **The aftercare term for this offender is set at a minimum term of six**  
 4 **months and up to a maximum term of the offender reaching the age of**  
 5 **23 years.**

6 (B) The violent offender II is defined as an offender adjudicated as a  
 7 juvenile offender for an offense which, if committed by an adult, would  
 8 constitute a nondrug severity level 1, 2 or 3 felony. Offenders in this  
 9 category may be committed to a juvenile correctional facility for a  
 10 minimum term of ~~24~~ **24** months and up to a maximum term of ~~the~~  
 11 ~~offender reaching the age 22 years, six~~ **the offender reaching the age**  
 12 **of 22 years, six** months. ~~The aftercare term for this offender is set at a~~  
 13 ~~minimum term of six months and up to a maximum term of the offender~~  
 14 ~~reaching the age of 23 years~~ *If, however, the offender is adjudicated for an*  
 15 *offense that if committed by an adult would constitute rape as defined in*  
 16 *K.S.A. 2015 Supp. 21-5503(a)(1), and amendments thereto, aggravated*  
 17 *sodomy, as defined in K.S.A. 2015 Supp. 21-5504(b)(3), and amendments*  
 18 *thereto, or murder in the second degree, as defined in K.S.A. 2015 Supp.*  
 19 *21-5403, and amendments thereto, the court may impose the eligible term*  
 20 *of commitment for violent offenders pursuant to subsection (a)(1)* **The**  
 21 **aftercare term for this offender is set at a minimum term of six months**  
 22 **and up to a maximum term of the offender reaching the age of 23 years.**

23 (2) *Serious Offenders.* (A) The serious offender I is defined as an  
 24 offender adjudicated as a juvenile offender for an offense:

25 (i) ~~which, if committed by an adult, would constitute a nondrug~~  
 26 ~~severity level 4, 5 or 6, person felony;~~

27 **Offenders in this category may be committed to a juvenile**  
 28 **correctional facility for a minimum term of 18 months and up to a**  
 29 **maximum term of 36 months. The aftercare term for this offender is set**  
 30 **at a minimum term of six months and up to a maximum term of 24**  
 31 **months.**

32 (B) **The serious offender II is defined as an offender adjudicated as**  
 33 **a juvenile offender for an offense:**

34 (i) Committed prior to July 1, 2012, which, if committed by an  
 35 adult prior to July 1, 2012, would constitute a drug severity level 1 or 2  
 36 felony; or

37 (ii) committed on or after July 1, 2012, which, if committed by an  
 38 adult on or after July 1, 2012, would constitute a drug severity level 1, 2 or  
 39 3 felony **or a nondrug severity level 5 or 6 person felony.**

40 Offenders in this category may be committed to a juvenile correctional  
 41 facility for a minimum term of ~~18~~ **nine** months and up to a maximum term  
 42 of ~~36~~ **18** months. ~~The aftercare term for this offender is set at a minimum~~  
 43 ~~term of six months and up to a maximum term of 24 months.~~

1       ~~(B)~~**(C)** The serious offender—~~H~~ **III** is defined as an offender  
2 adjudicated as a juvenile offender for an offense which, if committed by an  
3 adult, would constitute a nondrug severity level 7, person felony with one  
4 prior felony adjudication. *Offenders in this category may only be*  
5 *committed to a juvenile correctional facility if they are assessed as high-*  
6 *risk on a risk and needs assessment.* Offenders in this category may be  
7 committed to a juvenile correctional facility for a minimum term of ~~nine~~  
8 ~~six~~ months and up to a maximum term of ~~18~~ 12 months. ~~The aftercare term~~  
9 ~~for this offender is set at a minimum term of six months and up to a~~  
10 ~~maximum term of 24 months.~~

11       ~~(C)~~**(D)** The serious offender—~~H~~ **IV** is defined as an offender  
12 adjudicated as a juvenile offender for an offense which, if committed by an  
13 adult, would constitute a nondrug severity level 8, 9 or 10 person felony  
14 with one prior felony adjudication. Offenders in this category may only be  
15 committed to a juvenile correctional facility if ~~the judge conducts a~~  
16 ~~departure hearing and finds substantial and compelling reasons to impose a~~  
17 ~~departure sentence as provided in K.S.A. 2015 Supp. 38-2371, and~~  
18 ~~amendments thereto. If a departure sentence is imposed, such offenders~~  
19 ~~are assessed as high-risk on a risk and needs assessment.~~ Offenders in this  
20 category may be committed to a juvenile correctional facility for a  
21 minimum term of ~~nine~~ six months and up to a maximum term of ~~18~~ 12  
22 months. ~~The aftercare term for this offender is set at a minimum term of~~  
23 ~~six months and up to a maximum term of 24 months.~~

24       (3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is  
25 defined as an offender adjudicated as a juvenile offender for an offense:

26       (i) Which, if committed by an adult, would constitute one present  
27 nonperson felony adjudication and two prior felony adjudications;

28       (ii) committed prior to July 1, 2012, which, if committed by an adult  
29 prior to July 1, 2012, would constitute one present drug severity level 3  
30 felony adjudication and two prior felony adjudications; or

31       (iii) committed on or after July 1, 2012, which, if committed by an  
32 adult on or after July 1, 2012, would constitute one present drug severity  
33 level 4 felony adjudication and two prior felony adjudications.

34       Offenders in this category may only be committed to a juvenile  
35 correctional facility if ~~the judge conducts a departure hearing and finds~~  
36 ~~substantial and compelling reasons to impose a departure sentence as~~  
37 ~~provided in K.S.A. 2015 Supp. 38-2371, and amendments thereto. If a~~  
38 ~~departure sentence is imposed, such offenders are assessed as high-risk on~~  
39 ~~a risk and needs assessment.~~ Offenders in this category may be committed  
40 to a juvenile correctional facility for a minimum term of six months and up  
41 to a maximum term of ~~18~~ 12 months. ~~The aftercare term for this offender~~  
42 ~~is set at a minimum term of six months and up to a maximum term of 12~~  
43 ~~months.~~



1       (B) ~~The chronic offender II, escalating felon is defined as an offender~~  
2 ~~adjudicated as a juvenile offender for an offense:~~

3       ~~(i) Which, if committed by an adult, would constitute one present~~  
4 ~~felony adjudication and either two prior misdemeanor adjudications or one~~  
5 ~~prior person or nonperson felony adjudication;~~

6       ~~(ii) which, if committed by an adult, would constitute one present~~  
7 ~~felony adjudication and two prior drug severity level 4 or 5 adjudications;~~

8       ~~(iii) committed prior to July 1, 2012, which, if committed by an adult~~  
9 ~~prior to July 1, 2012, would constitute one present drug severity level 3~~  
10 ~~felony adjudication and either two prior misdemeanor adjudications or one~~  
11 ~~prior person or nonperson felony adjudication;~~

12       ~~(iv) committed prior to July 1, 2012, which, if committed by an adult~~  
13 ~~prior to July 1, 2012, would constitute one present drug severity level 3~~  
14 ~~felony adjudication and two prior drug severity level 4 or 5 adjudications;~~

15       ~~(v) committed on or after July 1, 2012, which, if committed by an~~  
16 ~~adult on or after July 1, 2012, would constitute one present drug severity~~  
17 ~~level 4 felony adjudication and either two prior misdemeanor adjudications~~  
18 ~~or one prior person or nonperson felony adjudication; or~~

19       ~~(vi) committed on or after July 1, 2012, which, if committed by an~~  
20 ~~adult on or after July 1, 2012, would constitute one present drug severity~~  
21 ~~level 4 felony adjudication and two prior drug severity level 4 or 5~~  
22 ~~adjudications:~~

23 ~~Offenders in this category may only be committed to a juvenile~~  
24 ~~correctional facility if the judge conducts a departure hearing and finds~~  
25 ~~substantial and compelling reasons to impose a departure sentence as~~  
26 ~~provided in K.S.A. 2015 Supp. 38-2371, and amendments thereto. If a~~  
27 ~~departure sentence is imposed, offenders in this category may be~~  
28 ~~committed to a juvenile correctional facility for a minimum term of six~~  
29 ~~months and up to a maximum term of 18 months. The aftercare term for~~  
30 ~~this offender is set at a minimum term of six months and up to a maximum~~  
31 ~~term of 12 months.~~

32       (C) ~~The chronic offender III, escalating misdemeanant is defined as a~~  
33 ~~juvenile offender for an offense:~~

34       ~~(i) Which, if committed by an adult, would constitute one present~~  
35 ~~misdemeanor adjudication and either two prior misdemeanor adjudications~~  
36 ~~or one prior person or nonperson felony adjudication and two placement~~  
37 ~~failures;~~

38       ~~(ii) which, if committed by an adult, would constitute one present~~  
39 ~~misdemeanor adjudication and two prior drug severity level 4 or 5 felony~~  
40 ~~adjudications and two placement failures;~~

41       ~~(iii) Which, if committed by an adult, would constitute one present~~  
42 ~~drug severity level 4 felony adjudication and either two prior misdemeanor~~  
43 ~~adjudications or one prior person or nonperson felony adjudication and~~

1 two placement failures;

2 (iv) ~~which, if committed by an adult, would constitute one present~~  
 3 ~~drug severity level 4 felony adjudication and two prior drug severity level~~  
 4 ~~4 or 5 felony adjudications and two placement failures;~~

5 (v) ~~committed on or after July 1, 2012, which, if committed by an~~  
 6 ~~adult on or after July 1, 2012, would constitute one present drug severity~~  
 7 ~~level 5 felony adjudication and either two prior misdemeanor adjudications~~  
 8 ~~or one prior person or nonperson felony adjudication and two placement~~  
 9 ~~failures; or~~

10 (vi) ~~committed on or after July 1, 2012, which, if committed by an~~  
 11 ~~adult on or after July 1, 2012, would constitute one present drug severity~~  
 12 ~~level 5 felony adjudication and two prior drug severity level 4 or 5~~  
 13 ~~adjudications and two placement failures.~~

14 ~~Offenders in this category may only be committed to a juvenile~~  
 15 ~~correctional facility if the judge conducts a departure hearing and finds~~  
 16 ~~substantial and compelling reasons to impose a departure sentence as~~  
 17 ~~provided in K.S.A. 2015 Supp. 38-2371, and amendments thereto. If a~~  
 18 ~~departure sentence is imposed, offenders in this category may be~~  
 19 ~~committed to a juvenile correctional facility for a minimum term of three~~  
 20 ~~months and up to a maximum term of six months. The aftercare term for~~  
 21 ~~this offender is set at a minimum term of three months and up to a~~  
 22 ~~maximum term of six months.~~

23 ~~(4)(b) Conditional Release-Violators. If the court elects, a period of~~  
 24 ~~conditional release may also be ordered pursuant to K.S.A. 2015 Supp. 38-~~  
 25 ~~2361, and amendments thereto. The period of conditional release shall be~~  
 26 ~~limited to a maximum of six months and shall be subject to graduated~~  
 27 ~~responses. The presumption upon release shall be a return to the juvenile's~~  
 28 ~~home, unless the case plan developed pursuant to K.S.A. 2015 Supp. 38-~~  
 29 ~~2373, and amendments thereto, recommends a different reentry plan.~~

30 (1) Upon finding the juvenile violated a requirement or requirements  
 31 of conditional release, the court may enter one or more of the following  
 32 orders:

33 (A) ~~Subject to the limitations in K.S.A. 2015 Supp. 38-2366(a), and~~  
 34 ~~amendments thereto, commit the offender directly to a juvenile~~  
 35 ~~correctional facility for a minimum term of three months and up to a~~  
 36 ~~maximum term of six months. The aftercare term for this offender shall be~~  
 37 ~~a minimum of two months and a maximum of six months, or the length of~~  
 38 ~~the aftercare originally ordered, whichever is longer.~~

39 (B) ~~Enter one or more of the following orders:~~

40 (i)(A) Recommend additional conditions be added to those of the  
 41 existing conditional release.

42 (ii)(B) Order the offender to serve a period of ~~sanctions detention~~  
 43 pursuant to K.S.A. 2015 Supp. 38-2361(g), and amendments thereto.

1       ~~(iii)(C)~~ Revoke or restrict the juvenile's driving privileges as  
2 described in K.S.A. 2015 Supp. 38-2361(c), and amendments thereto.

3       ~~(C)(2)~~ Discharge the offender from the custody of the secretary of  
4 corrections, release the secretary of corrections from further  
5 responsibilities in the case and enter any other appropriate orders.

6       ~~(b)(c)~~ As used in this section—

7       ~~(1)~~ "Placement failure" means a juvenile offender in the custody of  
8 the secretary of corrections has significantly failed the terms of conditional  
9 release or has been placed out-of-home in a community placement  
10 accredited by the secretary of corrections and has significantly violated the  
11 terms of that placement or violated the terms of probation.

12       ~~(2)~~ "adjudication" includes out-of-state juvenile adjudications. An  
13 out-of-state offense, which if committed by an adult would constitute the  
14 commission of a felony or misdemeanor, shall be classified as either a  
15 felony or a misdemeanor according to the adjudicating jurisdiction. If an  
16 offense which if committed by an adult would constitute the commission  
17 of a felony is a felony in another state, it will be deemed a felony in  
18 Kansas. The state of Kansas shall classify the offense, which if committed  
19 by an adult would constitute the commission of a felony or misdemeanor,  
20 as person or nonperson. In designating such offense as person or  
21 nonperson, reference to comparable offenses shall be made. If the state of  
22 Kansas does not have a comparable offense, the out-of-state adjudication  
23 shall be classified as a nonperson offense.

24       ~~(e)~~ All appropriate community placement options shall have been  
25 exhausted before a chronic offender III, escalating misdemeanant shall be  
26 placed in a juvenile correctional facility. A court finding shall be made  
27 acknowledging that appropriate community placement options have been  
28 pursued and no such option is appropriate.

29       (d) The secretary of corrections shall work with the community to  
30 provide on-going support and incentives for the development of additional  
31 *evidence-based* community placements *practices and programs* to ensure  
32 that the chronic offender III, escalating misdemeanant sentencing category  
33 *juvenile correctional facility* is not frequently utilized.

34       ~~(e)~~ Any juvenile offender committed to a juvenile correctional facility  
35 who is adjudicated for an offense committed while such juvenile was  
36 committed to a juvenile correctional facility, may be adjudicated to serve a  
37 consecutive term of commitment in a juvenile correctional facility.

38       **(e) There shall be a rebuttable presumption that all offenders in**  
39 **the chronic offender category and offenders at least 10 years of age**  
40 **but less than 14 years of age in the serious offender II, III or IV**  
41 **category, shall be placed in the custody of the secretary for placement**  
42 **in a youth residential facility in lieu of placement in the juvenile**  
43 **correctional facility. This presumption may be rebutted by a finding**

1 **on the record that the juvenile offender poses a significant risk of**  
2 **physical harm to another.**

3 ~~Sec. 46. {47.}~~ **On and after July 1, 2017**, K.S.A. 2015 Supp. 38-2371  
4 is hereby amended to read as follows: 38-2371. (a) (1) Whenever a person  
5 is adjudicated as a juvenile offender *and sentenced to a juvenile*  
6 *correctional facility as a violent offender pursuant to K.S.A. 2015 Supp.*  
7 *38-2369(a)(1), and amendments thereto*, the court upon motion of the  
8 state, shall hold a hearing to consider imposition of a departure sentence  
9 *pursuant to K.S.A. 2015 Supp. 38-2369, and amendments thereto, and*  
10 *subject to section 1, and amendments thereto*. The motion shall state that a  
11 departure is sought and the reasons and factors relied upon. The hearing  
12 shall be scheduled so that the parties have adequate time to prepare and  
13 present arguments regarding the issues of departure sentencing. The victim  
14 of a crime or the victim's family shall be notified of the right to be present  
15 at the hearing for the ~~convicted~~ **adjudicated** person by the county or  
16 district attorney. The parties may submit written arguments to the court  
17 prior to the date of the hearing and may make oral arguments before the  
18 court at the hearing. The court shall review the victim impact statement, if  
19 available. Prior to the hearing, the court shall transmit to the juvenile  
20 offender or the juvenile offender's attorney and the prosecuting attorney  
21 copies of the predispositional investigation report.

22 (2) At the conclusion of the hearing or within 21 days thereafter, the  
23 court shall issue findings of fact and conclusions of law regarding the  
24 issues submitted by the parties, and shall enter an appropriate order.

25 (3) If a factual aspect of a crime is a statutory element of the crime, or  
26 is used to determine crime severity, that aspect of the current crime of  
27 ~~conviction~~ **adjudication** may be used as an aggravating factor only if the  
28 criminal conduct constituting that aspect of the current crime of ~~conviction~~  
29 **adjudication** is significantly different from the usual criminal conduct  
30 captured by the aspect of the crime. Subject to this provision, the  
31 nonexclusive lists of aggravating factors provided in K.S.A. 2015 Supp.  
32 21-6815 and 21-6816, and amendments thereto, may be considered in  
33 determining whether substantial and compelling reasons exist.

34 (b) If the court decides to depart on its own volition *pursuant to*  
35 *K.S.A. 2015 Supp. 38-2369(a)(1) and section 1, and amendments thereto*,  
36 without a motion from the state, the court must notify all parties of its  
37 intent and allow reasonable time for either party to respond if they request.  
38 The notice shall state that a departure is intended by the court and the  
39 reasons and factors relied upon.

40 (c) In each case in which the court imposes a sentence *pursuant to*  
41 *K.S.A. 2015 Supp. 38-2369 and section 1, and amendments thereto*, that  
42 deviates from the presumptive sentence, the court shall make findings of  
43 fact as to the reasons for departure regardless of whether a hearing is

1 requested.

2 ~~(d) If the sentencing judge departs from the presumptive sentence,~~  
3 ~~The judge shall state on the record at the time of sentencing and enter into~~  
4 ~~the written record the substantial and compelling reasons for the departure.~~  
5 ~~When a departure sentence is appropriate, the sentencing judge may depart~~  
6 ~~from the matrix as provided in this section. When a sentencing judge~~  
7 ~~departs in setting the duration of a presumptive term of imprisonment:~~

8 ~~(1) The presumptive term of imprisonment set in such departure shall~~  
9 ~~not total more than double the maximum duration of the presumptive~~  
10 ~~imprisonment term;~~

11 ~~(2) the court shall have no authority to reduce the minimum term of~~  
12 ~~confinement as defined within the placement matrix; and~~

13 ~~(3) the maximum term for commitment of any juvenile offender to a~~  
14 ~~juvenile correctional facility is age 22 years, 6 months.~~

15 (e) A departure sentence may be appealed as provided in K.S.A. 2015  
16 Supp. 38-2380, and amendments thereto.

17 ~~Sec. 47. {48.}~~ K.S.A. 2015 Supp. 38-2372 is hereby amended to read  
18 as follows: 38-2372. In any action pursuant to the revised Kansas juvenile  
19 justice code in which the juvenile is adjudicated upon a plea of guilty or  
20 trial by court or jury or upon completion of an appeal, the judge, ~~if~~  
21 ~~sentencing the juvenile to incarceration,~~ shall direct that, for the purpose of  
22 computing *the juvenile's overall case length limit and, if incarcerated,*  
23 sentence and release, eligibility and conditional release dates thereunder,  
24 that such sentence is to be computed from a date, to be specifically  
25 designated by the court in the sentencing order. *If incarcerated,* such date  
26 shall be established to reflect and shall be computed as an allowance for  
27 the time which the juvenile has spent incarcerated pending the disposition  
28 of the juvenile's case. In recording the date of commencement of such  
29 sentence, the date as specifically set forth by the court shall be used as the  
30 date of sentence and all good time calculations authorized by law *and all*  
31 *earned time calculations authorized by law* are to be allowed on such  
32 sentence from such date as though the juvenile were actually incarcerated  
33 in a juvenile correctional facility.

34 ~~Sec. 48. {49.}~~ On and after January 1, 2017, K.S.A. 2015 Supp. 38-  
35 2373 is hereby amended to read as follows: 38-2373. (a) *Actions by the*  
36 *court.* (1) When a juvenile offender has been committed to a juvenile  
37 correctional facility, the clerk of the court shall ~~forthwith~~ *promptly* notify  
38 the ~~commissioner~~ *secretary of corrections* of the commitment and provide  
39 the ~~commissioner~~ *secretary* with a certified copy of the complaint, the  
40 journal entry of the adjudication and sentencing. The court shall provide  
41 those items from the social file which could relate to a rehabilitative  
42 program. If the court wishes to recommend placement of the juvenile  
43 offender in a specific juvenile correctional facility, the recommendation

1 shall be included in the sentence. After the court has received notice of the  
2 juvenile correctional facility designated as provided in subsection (b), it  
3 shall be the duty of the court or the sheriff of the county to deliver the  
4 juvenile offender to the facility at the time designated by the ~~commissioner~~  
5 *secretary*.

6 (2) When a juvenile offender is residing in a juvenile correctional  
7 facility and is required to go back to court for any reason, the county  
8 demanding the juvenile's presence shall be responsible for transportation,  
9 detention, custody and control of such offender. In these cases, the county  
10 sheriff shall be responsible for all transportation, detention, custody and  
11 control of such offender.

12 (b) *Actions by the ~~commissioner~~ secretary.* (1) Within three days,  
13 excluding Saturdays, Sundays and legal holidays, after receiving notice of  
14 commitment as provided in subsection (a), the ~~commissioner~~ *secretary*  
15 shall notify the committing court of the facility to which the juvenile  
16 offender should be conveyed, and when to effect the immediate transfer of  
17 custody and control to the ~~juvenile justice authority department of~~  
18 *corrections*. The date of admission shall be no more than five days,  
19 excluding Saturdays, Sundays and legal holidays, after the notice to the  
20 committing court. Until received at the designated facility, the continuing  
21 detention, custody, and control of and transport for a juvenile offender  
22 sentenced to a direct commitment to a juvenile correctional facility shall  
23 be the responsibility of the committing county.

24 (2) Except as provided by K.S.A. 2015 Supp. 38-2332, and  
25 amendments thereto, the ~~commissioner~~ *secretary* may make any temporary  
26 out-of-home placement the ~~commissioner~~ *secretary* deems appropriate  
27 pending placement of the juvenile offender in a juvenile correctional  
28 facility, and the ~~commissioner~~ *secretary* shall notify the court, local law  
29 enforcement agency and school district in which the juvenile will be  
30 residing if the juvenile is still required to attend a secondary school of that  
31 placement.

32 (c) *Transfers.* During the time a juvenile offender remains committed  
33 to a juvenile correctional facility, the ~~commissioner~~ *secretary* may transfer  
34 the juvenile offender from one juvenile correctional facility to another.

35 (d) *Case planning.* For all juveniles committed to a juvenile  
36 correctional facility pursuant to K.S.A. 38-2361(a)(11), and amendments  
37 thereto, a case plan shall be developed with input from the juvenile and  
38 the juvenile's family. For all those committed upon violation of a condition  
39 of sentence pursuant to K.S.A. 2015 Supp. 38-2368, and amendments  
40 thereto, the case plan developed with the juvenile's community supervision  
41 officer shall be revised to reflect the new disposition. The department for  
42 children and families, ~~department of education~~ **the local school district in**  
43 **which the juvenile offender will be residing** and community supervision

1 *officers may also participate in the development or revision of the case*  
2 *plan when appropriate. The case plan shall incorporate the results of the*  
3 *risk and needs assessment, the programs and education to complete while*  
4 *in custody and shall clearly define the role of each person or agency*  
5 *working with the juvenile. The case plan shall include a reentry section,*  
6 *detailing services, education, supervision or any other elements necessary*  
7 *for a successful transition. The reentry section of the case plan shall also*  
8 *include information on reintegration of the juvenile into such juvenile's*  
9 *family or, if reintegration is not a viable alternative, another viable release*  
10 *option. If the juvenile is to be placed on conditional release pursuant to*  
11 *K.S.A. 2015 Supp. 38-2369, the case plan shall be developed with the*  
12 *community supervision officer.*

13 **Sec. 49. {50.} On and after July 1, 2017,** K.S.A. 2015 Supp. 38-2374  
14 is hereby amended to read as follows: 38-2374. (a) When a juvenile  
15 offender has satisfactorily completed the term of incarceration at the  
16 juvenile correctional facility to which the juvenile offender was committed  
17 or placed, the person in charge of the juvenile correctional facility shall  
18 have authority to release the juvenile offender under appropriate  
19 conditions and, *if conditional release has previously been ordered*  
20 *pursuant to K.S.A. 2015 Supp. 38-2361 or 38-2369, and amendments*  
21 *thereto, for a specified period of time to complete conditional release.*  
22 Prior to release from a juvenile correctional facility, the ~~commissioner~~  
23 *secretary of corrections* shall consider any recommendations made by the  
24 juvenile offender's ~~community case management~~ *supervision* officer.

25 (b) At least 21 days prior to releasing a juvenile offender as provided  
26 in subsection (a), the person in charge of the juvenile correctional facility  
27 shall notify the committing court of the date and conditions upon which it  
28 is proposed the juvenile offender is to be released. The person in charge of  
29 the juvenile correctional facility shall notify the school district in which  
30 the juvenile offender will be residing if the juvenile is still required to  
31 attend a school. Such notification to the school shall include the name of  
32 the juvenile offender, address upon release, contact person with whom the  
33 juvenile offender will be residing upon release, anticipated date of release,  
34 anticipated date of enrollment in school, name and phone number of case  
35 worker, crime or crimes of adjudication if not confidential based upon  
36 other statutes, conditions of release and any other information the  
37 commissioner deems appropriate. To ensure the educational success of the  
38 student, the community case manager or a representative from the  
39 residential facility where the juvenile offender will reside shall contact the  
40 principal of the receiving school in a timely manner to review the juvenile  
41 offender's case. If such juvenile offender's offense would have constituted  
42 an off-grid crime, a nondrug felony crime ranked at severity level 1, 2, 3, 4  
43 or 5, or a drug felony crime ranked at severity level 1, 2 or 3, on or after

1 July 1, 1993, or a drug felony crime ranked at severity level 4 on or after  
2 July 1, 2012, if committed by an adult, the person in charge of the juvenile  
3 correctional facility shall notify the county or district attorney of the  
4 county where the offender was adjudicated a juvenile offender of the date  
5 and conditions upon which it is proposed the juvenile offender is to be  
6 released. The county or district attorney shall give written notice at least  
7 seven days prior to the release of the juvenile offender to: (1) Any victim  
8 of the juvenile offender's crime who is alive and whose address is known  
9 to the court or, if the victim is deceased, to the victim's family if the  
10 family's address is known to the court; and (2) the local law enforcement  
11 agency. Failure to notify pursuant to this section shall not be a reason to  
12 postpone a release. Nothing in this section shall create a cause of action  
13 against the state or county or an employee of the state or county acting  
14 within the scope of the employee's employment as a result of the failure to  
15 notify pursuant to this section.

16 (c) Upon receipt of the notice required by subsection (b), the court  
17 shall review the terms of ~~the~~ *any* proposed conditional release *or case plan*  
18 and may recommend modifications or additions to the terms.

19 (d) If, during the conditional release, the juvenile offender is not  
20 returning to the county from which committed, the person in charge of the  
21 juvenile correctional facility shall also give notice to the court of the  
22 county in which the juvenile offender is to be residing.

23 (e) To assure compliance with conditional release from a juvenile  
24 correctional facility, the commissioner shall have the authority to prescribe  
25 the manner in which compliance with the conditions shall be supervised.  
26 When requested by the ~~commissioner~~ *secretary of corrections*, the  
27 appropriate court may assist in supervising compliance with the conditions  
28 of release during the term of the conditional release. The ~~commissioner~~  
29 *secretary of corrections* may require the parent of the juvenile offender to  
30 cooperate and participate with the conditional release.

31 ~~(f) For acts committed before July 1, 1999, the juvenile justice~~  
32 ~~authority shall notify at least 45 days prior to the discharge of the juvenile~~  
33 ~~offender the county or district attorney of the county where the offender~~  
34 ~~was adjudicated a juvenile offender of the release of such juvenile~~  
35 ~~offender, if such juvenile offender's offense would have constituted a class~~  
36 ~~A, B or C felony before July 1, 1993, or an off-grid crime, a nondrug~~  
37 ~~crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at~~  
38 ~~severity level 1, 2 or 3, on or after July 1, 1993, or a drug crime ranked at~~  
39 ~~severity level 4 on or after July 1, 2012, if committed by an adult. The~~  
40 ~~county or district attorney shall give written notice at least 30 days prior to~~  
41 ~~the release of the juvenile offender to: (1) Any victim of the juvenile~~  
42 ~~offender's crime who is alive and whose address is known to the court or,~~  
43 ~~if the victim is deceased, to the victim's family if the family's address is~~



1 known to the court; and (2) the local law enforcement agency. Failure to  
2 notify pursuant to this section shall not be a reason to postpone a release.  
3 ~~Nothing in this section shall create a cause of action against the state or~~  
4 ~~county or an employee of the state or county acting within the scope of the~~  
5 ~~employee's employment as a result of the failure to notify pursuant to this~~  
6 ~~section.~~

7 (g)—Conditional release programs shall include, but not be limited to,  
8 the treatment options of aftercare services.

9 Sec. ~~50.~~ **{51.}** *On and after July 1, 2017*, K.S.A. 2015 Supp. 38-2375  
10 is hereby amended to read as follows: 38-2375. If it is alleged that a  
11 juvenile offender who has been conditionally released from a juvenile  
12 correctional facility has failed to obey the specified conditions of release  
13 *for the third or subsequent time,* ~~any~~ the officer assigned to supervise  
14 compliance with the conditions of release or, *upon referral from such*  
15 *officer,* the county or district attorney may file a report with the committing  
16 court or the court of the county in which the juvenile offender resides  
17 describing the alleged violation *and the juvenile's history of violations.*  
18 The court shall provide copies of the report to the parties to the  
19 proceedings. The court, upon the court's own motion or the county or  
20 district attorney, shall set the matter for hearing. The movant shall provide  
21 notice of the motion and hearing to each party to the proceeding and the  
22 current custodian and placement of the juvenile offender. If the court finds  
23 that a condition of release has been violated, the court may modify or  
24 impose additional conditions of release that the court considers appropriate  
25 ~~or order that the juvenile offender be returned to the juvenile correctional~~  
26 ~~facility to serve the conditional release revocation incarceration and~~  
27 ~~aftercare term set by the court pursuant to the placement matrix as~~  
28 ~~provided in pursuant to K.S.A. 2015 Supp. 38-2369, and amendments~~  
29 ~~thereto.~~

30 Sec. ~~51.~~ **{52.}** *On and after July 1, 2017*, K.S.A. 2015 Supp. 38-2376  
31 is hereby amended to read as follows: 38-2376. (a) When a juvenile  
32 offender has reached the age of 23 years, *has maximized the overall case*  
33 *length limit, or* has been convicted as an adult while serving a term of  
34 incarceration at a juvenile correctional facility, or has completed the  
35 prescribed terms of incarceration at a juvenile correctional facility,  
36 together with any conditional release following the program, the juvenile  
37 shall be discharged by the ~~commissioner~~ *secretary of corrections* from any  
38 further obligation under the commitment ~~unless the juvenile was sentenced~~  
39 ~~pursuant to an extended jurisdiction juvenile prosecution upon court order~~  
40 ~~and the commissioner transfers the juvenile to the custody of the secretary~~  
41 ~~of corrections~~ *{unless the juvenile was sentenced pursuant to an*  
42 *extended jurisdiction juvenile prosecution upon court order}*. The  
43 discharge shall operate as a full and complete release from any obligations

1 imposed on the juvenile offender arising from the offense for which the  
2 juvenile offender was committed.

3 (b) At least 45 days prior to the discharge of the juvenile offender, the  
4 juvenile justice authority shall notify the court and the county or district  
5 attorney of the county where the offender was adjudicated a juvenile  
6 offender of the pending discharge of such juvenile offender, the offense  
7 would have constituted a class A, B or C felony before July 1, 1993, or an  
8 off-grid crime, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a  
9 drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, or a  
10 drug crime ranked at severity level 4 on or after July 1, 2012, if committed  
11 by an adult. The county or district attorney shall give written notice at least  
12 30 days prior to the discharge of the juvenile offender pursuant to K.S.A.  
13 2015 Supp. 38-2379, and amendments thereto.

14 ~~Sec. 52.~~ **{53.}** *On and after July 1, 2017*, K.S.A. 2015 Supp. 38-2377  
15 is hereby amended to read as follows: 38-2377. (a) ~~The commissioner-~~  
16 ~~secretary~~ shall notify the county or district attorney, the court, the local  
17 law enforcement agency and the school district in which the juvenile  
18 offender will be residing of such pending release at least 45 days before  
19 release if the juvenile is still required to attend school, if the juvenile  
20 offender has committed an act prior to July 1, 1999, which, if committed  
21 by a person 18 years of age or over, would have constituted: (1) A class A  
22 or B felony, before July 1, 1993; or (2) an off-grid crime, a nondrug crime  
23 ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity  
24 level 1, 2 or 3, if the offense was committed on or after July 1, 1993, and,  
25 if such juvenile is to be released. The county or district attorney shall give  
26 written notice at least 30 days prior to discharge of the juvenile offender  
27 pursuant to K.S.A. 2015 Supp. 38-2379, and amendments thereto. The  
28 county attorney, district attorney or the court on its own motion may file a  
29 motion with the court for a hearing to determine if the juvenile offender  
30 should be ~~retained in the custody of the commissioner, pursuant to K.S.A.~~  
31 ~~2015 Supp. 38-2376, and amendments thereto~~ *placed on conditional*  
32 *release if not previously ordered by the court, subject to the overall case*  
33 *length limit*. The court shall fix a time and place for hearing and shall  
34 notify each party of the time and place.

35 (b) Following the hearing, if the court orders ~~the commissioner to~~  
36 ~~retain custody~~ *a period of conditional release*, the juvenile offender shall  
37 not be held in a juvenile correctional facility *supervised* for longer than the  
38 ~~maximum term of imprisonment which could be imposed upon an adult~~  
39 ~~convicted of the offense or offenses which the juvenile offender has been~~  
40 ~~adjudicated to have committed~~ *six months of conditional release and the*  
41 *overall case length limit*.

42 (c) ~~As used in this section, "maximum term of imprisonment" means~~  
43 ~~the greatest maximum sentence authorized by computing terms as~~

1 ~~consecutive when required by K.S.A. 2015 Supp. 21-6606, and~~  
2 ~~amendments thereto.~~

3 Sec. ~~53.~~ {54.} On and after ~~January~~ **July** 1, 2017, K.S.A. 2015 Supp.  
4 38-2389 is hereby amended to read as follows: 38-2389. (a) *Findings and*  
5 *purpose.* The following findings and declaration of purpose apply to this  
6 section.

7 (1) The legislature finds that personal and familial circumstances may  
8 contribute to the commission of offenses by juveniles who represent a  
9 minimal threat to public safety and that in such cases it would further the  
10 interests of society and the juvenile to take an approach to adjudication  
11 that combines less formal procedures, appropriate disciplinary sanctions  
12 for misconduct and the provision of necessary services.

13 (2) It is the purpose of this section to provide prosecutors with an  
14 alternative means of adjudication for juvenile offenders who present a  
15 minimal threat to public safety and both the juvenile and society would  
16 benefit from such approach.

17 (b) *Designation.* A county or district attorney with jurisdiction over  
18 the offense who believes that proceedings under this section are  
19 appropriate may, in such county or district attorney's discretion, designate  
20 ~~an~~ *any* alleged juvenile offender for adjudication under this section and not  
21 seek application of a placement within the placement matrix pursuant to  
22 K.S.A. 2015 Supp. 38-2369, and amendments thereto, if the alleged  
23 juvenile ~~offender's act, if committed by an adult, would constitute a~~  
24 ~~misdemeanor~~ *has fewer than two prior adjudications.*

25 (1) The county or district attorney shall make such designation in the  
26 original complaint or by written notice filed with the court and served on  
27 the juvenile, the juvenile's counsel and the juvenile's parent or legal  
28 guardian within 14 days after the filing of the complaint.

29 (2) The filing of a written application for ~~diversion~~ *immediate*  
30 *intervention* under K.S.A. 2015 Supp. 38-2346, and amendments thereto,  
31 shall toll the running of the 14-day period and shall resume upon the  
32 issuance of a written denial of diversion.

33 (3) *If the county or district attorney makes such designation, the*  
34 *juvenile may be referred to an immediate intervention program established*  
35 *pursuant to K.S.A. 2015 Supp. 38-2346, and amendments thereto, and in*  
36 *compliance with the standards and procedures developed pursuant to*  
37 *section 7, and amendments thereto.*

38 (c) *Exceptions.* Except as provided in this subsection, the provisions  
39 of the revised Kansas juvenile justice code, K.S.A. 2015 Supp. 38-2301 et  
40 seq., and amendments thereto, shall apply in any adjudication under this  
41 section.

42 (1) If during the proceedings the court determines that there is  
43 probable cause to believe that the juvenile is a child in need of care as

1 defined by K.S.A. 2015 Supp. 38-2202, and amendments thereto, the court  
2 shall refer the matter to the county or district attorney, who shall file a  
3 petition as provided in K.S.A. 2015 Supp. 38-2234, and amendments  
4 thereto, and refer the family to the Kansas department for children and  
5 families for services.

6 ~~(A) If the court presiding over the proceeding under this section~~  
7 ~~finds, in accordance with K.S.A. 2015 Supp. 38-2334 and 38-2335, and~~  
8 ~~amendments thereto, that the juvenile should be removed from the home,~~  
9 ~~the court may place the juvenile in the temporary custody of the secretary~~  
10 ~~for children and families or any person, other than the child's parent,~~  
11 ~~willing to accept temporary custody.~~

12 (B) If the child in need of care case is presided over by a different  
13 judge, the county or district attorney shall notify the court presiding over  
14 the proceedings under this section of pertinent orders entered in the child  
15 in need of care case.

16 (2) Notwithstanding any other provision of law, no juvenile shall be  
17 committed to a juvenile correctional facility pursuant to ~~subsection (a)(12)~~  
18 ~~of~~ K.S.A. 2015 Supp. 38-2361(a)(11), and amendments thereto, for an  
19 offense adjudicated under this section or for the violation of a term or  
20 condition of the disposition for such an offense.

21 (3) Notwithstanding any other provision of law, no adjudication under  
22 this section or violation of the terms and conditions of the disposition,  
23 ~~including a placement failure,~~ shall be used against the juvenile in a  
24 proceeding on a subsequent offense committed as a juvenile or as an adult.  
25 For purposes of this section, "used against the juvenile" includes, but is not  
26 limited to, establishing an element of a subsequent offense, raising the  
27 severity level of a subsequent offense or enhancing the sentence for a  
28 subsequent offense.

29 (4) Upon completion of the case and the termination of the court's  
30 jurisdiction, the court shall order the adjudication expunged, and the  
31 provisions of ~~subsections (a), (b), (c), (d), (e), (i), (k) and (l)~~ of K.S.A.  
32 2015 Supp. 38-2312(a), (b), (c), (d), (e), (i), (k) and (l), and amendments  
33 thereto, shall not apply to such expungement.

34 (5) Notwithstanding any other provision of law, a juvenile shall not  
35 be required to register as an offender under the Kansas offender  
36 registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a  
37 result of adjudication under this section.

38 (6) The provisions of K.S.A. 2015 Supp. 38-2309 and 38-2310, and  
39 amendments thereto, shall not apply to proceedings under this section.

40 (7) The provisions of K.S.A. 2015 Supp. 38-2347, and amendments  
41 thereto, shall not apply to proceedings under this section.

42 (8) The provisions of ~~subsection (g)(1)~~ of K.S.A. 2015 Supp. 38-  
43 2304(g)(1), and amendments thereto, shall not apply to proceedings under

1 this section.

2 (9) The trial of offenses under this section shall be to the court and  
3 the right to a trial by jury under K.S.A. 2015 Supp. 38-2357, and  
4 amendments thereto, shall not apply.

5 (d) *Withdrawal*. At any time prior to the beginning of a hearing at  
6 which the court may enter an order adjudicating the child as a juvenile  
7 offender, the county or district attorney may withdraw the designation for  
8 proceedings under this section by providing notice to the court, the  
9 juvenile, the juvenile's attorney and guardian ad litem, if any, and the  
10 juvenile's parent or legal guardian. Upon withdrawal of the designation,  
11 this section shall no longer apply and the case shall proceed and the court  
12 shall grant a continuance upon request.

13 (e) *Appeal*. An adjudication under this section is an appealable order  
14 pursuant to K.S.A. 2015 Supp. 38-2380, and amendments thereto.

15 (f) This section shall be part of and supplemental to the revised  
16 Kansas juvenile justice code.

17 ~~Sec. 54. {55.}~~ K.S.A. 2015 Supp. 65-5603 is hereby amended to read  
18 as follows: 65-5603. (a) The privilege established by K.S.A. 65-5602, and  
19 amendments thereto, shall not extend to:

20 (1) Any communication relevant to an issue in proceedings to  
21 involuntarily commit to treatment a patient for mental illness, alcoholism  
22 or drug dependency if the treatment personnel in the course of diagnosis or  
23 treatment has determined that the patient is in need of hospitalization;

24 (2) an order for examination of the mental, alcoholic, drug  
25 dependency or emotional condition of the patient which is entered by a  
26 judge, with respect to the particular purpose for which the examination is  
27 ordered;

28 (3) any proceeding in which the patient relies upon any of the  
29 aforementioned conditions as an element of the patient's claim or defense,  
30 or, after the patient's death, in any proceeding in which any party relies  
31 upon any of the patient's conditions as an element of a claim or defense;

32 (4) any communication which forms the substance of information  
33 which the treatment personnel or the patient is required by law to report to  
34 a public official or to be recorded in a public office, unless the statute  
35 requiring the report or record specifically provides that the information  
36 shall not be disclosed;

37 (5) any information necessary for the emergency treatment of a  
38 patient or former patient if the head of the treatment facility at which the  
39 patient is being treated or was treated states in writing the reasons for  
40 disclosure of the communication and makes such statement a part of the  
41 treatment or medical record of the patient;

42 (6) information relevant to protect a person who has been threatened  
43 with substantial physical harm by a patient during the course of treatment,

1 when such person has been specifically identified by the patient, the  
2 treatment personnel believes there is substantial likelihood that the patient  
3 will act on such threat in the reasonable foreseeable future and the head of  
4 the treatment facility has concluded that notification should be given. The  
5 patient shall be notified that such information has been communicated;

6 (7) any information from a state psychiatric hospital to appropriate  
7 administrative staff of the department of corrections whenever patients  
8 have been administratively transferred to a state psychiatric hospital  
9 pursuant to the provisions of K.S.A. 75-5209, and amendments thereto;

10 (8) any information to the patient or former patient, except that the  
11 head of the treatment facility at which the patient is being treated or was  
12 treated may refuse to disclose portions of such records if the head of the  
13 treatment facility states in writing that such disclosure will be injurious to  
14 the welfare of the patient or former patient;

15 (9) any information to any state or national accreditation, certification  
16 or licensing authority, or scholarly investigator, but the head of the  
17 treatment facility shall require, before such disclosure is made, a pledge  
18 that the name of any patient or former patient shall not be disclosed to any  
19 person not otherwise authorized by law to receive such information;

20 (10) any information to the state protection and advocacy system  
21 which concerns individuals who reside in a treatment facility and which is  
22 required by federal law and federal rules and regulations to be available  
23 pursuant to a federal grant-in-aid program;

24 (11) any information relevant to the collection of a bill for  
25 professional services rendered by a treatment facility;

26 (12) any information sought by a coroner serving under the laws of  
27 Kansas when such information is material to an investigation or  
28 proceeding conducted by the coroner in the performance of such coroner's  
29 official duties. Information obtained by a coroner under this provision  
30 shall be used for official purposes only and shall not be made public unless  
31 admitted as evidence by a court or for purposes of performing the  
32 coroner's statutory duties;

33 (13) any communication and information by and between or among  
34 treatment facilities, correctional institutions, jails, juvenile detention  
35 facilities or juvenile correctional facilities regarding a proposed patient,  
36 patient or former patient for purposes of promoting continuity of care by  
37 and between treatment facilities, correctional institutions, jails, juvenile  
38 detention facilities or juvenile correctional facilities; the proposed patient,  
39 patient, or former patient's consent shall not be necessary to share  
40 evaluation and treatment records by and between or among treatment  
41 facilities, correctional institutions, jails, juvenile detention facilities or  
42 juvenile correctional facilities regarding a proposed patient, patient or  
43 former patient;

1 (14) the name, date of birth, date of death, name of any next of kin  
2 and place of residence of a deceased former patient when that information  
3 is sought as part of a genealogical study;

4 (15) any information concerning a patient or former patient who is a  
5 juvenile offender in the custody of the juvenile justice authority when the  
6 commissioner of juvenile justice, or the commissioner's designee, requests  
7 such information; or

8 (16) information limited to whether a person is or has been a patient  
9 of any treatment facility within the last six months, such person having  
10 been lawfully detained by a law enforcement officer upon reasonable  
11 suspicion that such person is committing, has committed or is about to  
12 commit a misdemeanor or felony, if such law enforcement officer has  
13 reasonable suspicion that such person is suffering from mental illness and  
14 such law enforcement officer has a reasonable belief that such person may  
15 benefit from treatment at a treatment facility rather than being placed in a  
16 correctional institution, jail, juvenile correctional facility or juvenile  
17 detention facility. Any communication and information obtained by any  
18 law enforcement officer regarding such person from such treatment facility  
19 shall not be disclosed except as provided by this section.

20 (b) As used in this subsection:

21 (1) "Correctional institution" means the same as prescribed in K.S.A.  
22 75-5202, and amendments thereto;

23 (2) "jail" means the same as prescribed in K.S.A. 2015 Supp. ~~38-3202~~  
24 ~~38-2302~~, and amendments thereto;

25 (3) "juvenile correctional facility" means the same as prescribed in  
26 K.S.A. 2015 Supp. ~~38-3202-38-2302~~, and amendments thereto;

27 (4) "juvenile detention facility" means the same as prescribed in  
28 K.S.A. 2015 Supp. ~~38-3202-38-2302~~, and amendments thereto;

29 (5) "law enforcement officer" means the same as prescribed in K.S.A.  
30 22-2202, and amendments thereto; and

31 (6) "mental illness" means mental disease to such extent that a person  
32 so afflicted requires care and treatment for his own welfare, the welfare of  
33 others or the welfare of the community.

34 (c) The treatment personnel shall not disclose any information subject  
35 to subsection (a)(3) unless a judge has entered an order finding that the  
36 patient has made such patient's condition an issue of the patient's claim or  
37 defense. The order shall indicate the parties to whom otherwise  
38 confidential information must be disclosed.

39 ~~Sec. 55. {56.}~~ On and after July 1, 2017, K.S.A. 2015 Supp. 72-1113  
40 is hereby amended to read as follows: 72-1113. (a) Each board of  
41 education shall designate one or more employees who shall report to the  
42 secretary for children and families, or a designee thereof, or to the  
43 appropriate county or district attorney pursuant to an agreement as

1 provided in this section, all cases of children who are less than 13 years of  
2 age and are not attending school as required by law, and to the appropriate  
3 county or district attorney, or a designee thereof, all cases of children who  
4 are 13 or more years of age but less than 18 years of age and are not  
5 attending school as required by law. The designation shall be made no later  
6 than September 1 of each school year and shall be certified no later than  
7 10 days thereafter by the board of education to the secretary for children  
8 and families, or the designee thereof, to the county or district attorney, or  
9 the designee thereof, and to the commissioner of education. The  
10 commissioner of education shall compile and maintain a list of the  
11 designated employees of each board of education. The local area office of  
12 the Kansas department for children and families may enter into an  
13 agreement with the appropriate county or district attorney to provide that  
14 the designated employees of such board of education shall make the report  
15 as provided in this section for all cases of children who are less than 13  
16 years of age and are not attending school as provided by law to the county  
17 or district attorney in lieu of the secretary, or the secretary's designee. If  
18 such agreement is made, the county or district attorney shall carry out all  
19 duties as otherwise provided by this subsection conferred on the secretary  
20 or the secretary's designee. A copy of such agreement shall be provided to  
21 the director of such area office of the Kansas department for children and  
22 families and to the school districts affected by the agreement.

23 (b) Whenever a child is required by law to attend school, and the  
24 child is not enrolled in a public or nonpublic school, the child shall be  
25 considered to be not attending school as required by law and a report  
26 thereof shall be made in accordance with the provisions of subsection (a)  
27 by a designated employee of the board of education of the school district  
28 in which the child resides. The provisions of this subsection are subject to  
29 the provisions of subsection (d).

30 (c) (1) Whenever a child is required by law to attend school and is  
31 enrolled in school, and the child is inexcusably absent therefrom on either  
32 three consecutive school days or five school days in any semester or seven  
33 school days in any school year, whichever of the foregoing occurs first, the  
34 child shall be considered to be not attending school as required by law. A  
35 child is inexcusably absent from school if the child is absent therefrom all  
36 or a significant part of a school day without a valid excuse acceptable to  
37 the school employee designated by the board of education to have  
38 responsibility for the school attendance of such child.

39 (2) Each board of education shall adopt rules for determination of  
40 valid excuse for absence from school and for determination of what shall  
41 constitute a "significant part of a school day" for the purpose of this  
42 section.

43 (3) Each board of education shall designate one or more employees,



1 who shall each be responsible for determining the acceptability and  
2 validity of offered excuses for absence from school of specified children,  
3 so that a designee is responsible for making such determination for each  
4 child enrolled in school.

5 (4) Whenever a determination is made in accordance with the  
6 provisions of this subsection that a child is not attending school as required  
7 by law, the designated employee who is responsible for such determination  
8 shall make a report thereof in accordance with the provisions of subsection  
9 (a), *provided that the report would not violate the terms of the*  
10 *memorandum of understanding approved by the superintendent of the*  
11 *school district pursuant to K.S.A. 72-89b03(i), and amendments thereto.*

12 (5) The provisions of this subsection are subject to the provisions of  
13 subsection (d).

14 (d) (1) Prior to making any report under this section that a child is not  
15 attending school as required by law, the designated employee of the board  
16 of education shall serve written notice thereof, by personal delivery or by  
17 first class mail, upon a parent or person acting as parent of the child. The  
18 notice shall inform the parent or person acting as parent that continued  
19 failure of the child to attend school without a valid excuse will result in a  
20 report being made to the secretary for children and families or to the  
21 county or district attorney. Upon failure, on the school day next succeeding  
22 personal delivery of the notice or within three school days after the notice  
23 was mailed, of attendance at school by the child or of an acceptable  
24 response, as determined by the designated employee, to the notice by a  
25 parent or person acting as parent of the child, the designated employee  
26 shall make a report thereof in accordance with the provisions of subsection  
27 (a). The designated employee shall submit with the report a certificate  
28 verifying the manner in which notice was provided to the parent or person  
29 acting as parent.

30 (2) Whenever a law enforcement officer assumes temporary custody  
31 of a child who is found away from home or school without a valid excuse  
32 during the hours school is actually in session, and the law enforcement  
33 officer delivers the child to the school in which the child is enrolled or to a  
34 location designated by the school in which the child is enrolled to address  
35 truancy issues, the designated employee of the board of education shall  
36 serve notice thereof upon a parent or person acting as parent of the child.  
37 The notice may be oral or written and shall inform the parent or person  
38 acting as parent of the child that the child was absent from school without  
39 a valid excuse and was delivered to school by a law enforcement officer.

40 (e) Whenever the secretary for children and families receives a report  
41 required under this section, the secretary shall investigate the matter. If,  
42 during the investigation, the secretary determines that the reported child is  
43 not attending school as required by law, the secretary shall institute

1 proceedings under the revised Kansas code for care of children. If, during  
2 the investigation, the secretary determines that a criminal prosecution  
3 should be considered, the secretary shall make a report of the case to the  
4 appropriate law enforcement agency.

5 (f) Whenever a county or district attorney receives a report required  
6 under this section, the county or district attorney shall investigate the  
7 matter. If, during the investigation, the county or district attorney  
8 determines that the reported child is not attending school as required by  
9 law, the county or district attorney shall prepare and file a petition alleging  
10 that the child is a child in need of care. If, during the investigation, the  
11 county or district attorney determines that a criminal prosecution is  
12 necessary, the county or district attorney shall commence such action.

13 (g) As used in this section, "board of education" means the board of  
14 education of a school district or the governing authority of a nonpublic  
15 school. The provisions of this act shall apply to both public and nonpublic  
16 schools.

17 ~~Sec. 56. {57.}~~ On and after July 1, 2017, K.S.A. 2015 Supp. 72-8222  
18 is hereby amended to read as follows: 72-8222. (a) The board of education  
19 of any school district or the board of trustees of any community college  
20 may employ school security officers, and may designate any one or more  
21 of such school security officers as a campus police officer, to aid and  
22 supplement law enforcement agencies of the state and of the city and  
23 county in which the school district or community college is located.

24 (b) The protective function of school security officers shall extend to  
25 all property of the school district or community college and the protection  
26 of students, teachers and other employees together with the property of  
27 such persons on or in any school or community college property or areas  
28 adjacent thereto, or while attending or located at the site of any school or  
29 community college-sponsored function. While engaged in the protective  
30 functions specified in this section, each school security officer shall  
31 possess and exercise all general law enforcement powers, rights,  
32 privileges, protections and immunities in every county in which there is  
33 located any part of the territory of the school district or community  
34 college.

35 (c) The protective function of campus police officers shall extend to  
36 all property of the school district or community college and the protection  
37 of students, teachers and other employees together with the property of  
38 such persons on or in any school or community college property or areas  
39 adjacent thereto, or while attending or located at the site of any school or  
40 community college-sponsored function. While engaged in the protective  
41 functions specified in this section, each campus police officer shall possess  
42 and exercise all general law enforcement powers, rights, privileges,  
43 protections and immunities in every county in which there is located any

1 part of the territory of the school district or community college, *provided*  
2 *that such officer does not violate the memorandum of understanding*  
3 *approved by the superintendent of the school district pursuant to K.S.A.*  
4 *72-89b03(i), and amendments thereto.*

5 (d) Campus police officers shall have the power and authority of law  
6 enforcement officers:

7 (1) On property owned, occupied or operated by the school district or  
8 community college or at the site of a function sponsored by the school  
9 district or community college;

10 (2) on the streets, property and highways immediately adjacent to and  
11 coterminous with property described in subsection (d)(1);

12 (3) within the city or county where property described in subsection  
13 (d)(1) is located, as necessary to protect the health, safety and welfare of  
14 students and faculty of the school district or community college, with  
15 appropriate agreement by local law enforcement agencies. Such  
16 agreements shall include provisions, defining the geographical scope of  
17 the jurisdiction conferred, circumstances requiring the extended  
18 jurisdiction, scope of law enforcement powers and duration of the  
19 agreement. Before any agreement entered into pursuant to this section  
20 shall take effect, it shall be approved by the governing body of the city or  
21 county, or both, having jurisdiction where such property is located, and the  
22 board of education or board of trustees involved;

23 (4) with appropriate notification of and coordination with local law  
24 enforcement agencies, within the city or county where property described  
25 in subsection (d)(1) or (d)(2) is located, when there is reason to believe  
26 that a violation of a state law, county resolution or city ordinance has  
27 occurred on such property, as necessary to investigate and arrest persons  
28 for such a violation;

29 (5) when in fresh pursuit of a person; and

30 (6) when transporting persons in custody to an appropriate facility,  
31 wherever it may be located.

32 (e) In addition to enforcement of state law, county resolutions and  
33 city ordinances, campus police officers shall enforce rules and regulations  
34 and rules and policies of the board of trustees or school board, whether or  
35 not violation thereof constitutes a criminal offense. While on duty, campus  
36 police officers shall wear and display publicly a badge of office. No such  
37 badge shall be required to be worn by any plain clothes investigator or  
38 departmental administrator, but any such officer shall present proper  
39 credentials and identification when required in the performance of such  
40 officer's duties. In performance of any of the powers, duties and functions  
41 authorized by this section, K.S.A. 22-2401a, and amendments thereto, or  
42 any other law, campus police officers shall have the same rights,  
43 protections and immunities afforded other law enforcement officers.

1 (f) The board of education of each school district shall adopt a policy  
2 providing for notification of a student's parents or guardians whenever the  
3 student is taken into custody by a campus police officer.

4 ~~Sec. 57. {58.}~~ On and after July 1, 2017, K.S.A. 2015 Supp. 72-89b03  
5 is hereby amended to read as follows: 72-89b03. (a) If a school employee  
6 has information that a pupil is a pupil to whom the provisions of this  
7 subsection apply, the school employee shall report such information and  
8 identify the pupil to the superintendent of schools. The superintendent of  
9 schools shall investigate the matter and, upon determining that the  
10 identified pupil is a pupil to whom the provisions of this subsection apply,  
11 shall provide the reported information and identify the pupil to all school  
12 employees who are directly involved or likely to be directly involved in  
13 teaching or providing other school related services to the pupil. The  
14 provisions of this subsection apply to:

15 (1) Any pupil who has been expelled for the reason provided by  
16 ~~subsection (e) of K.S.A. 72-8901(c)~~, and amendments thereto, for conduct  
17 which endangers the safety of others;

18 (2) any pupil who has been expelled for the reason provided by  
19 ~~subsection (d) of K.S.A. 72-8901(d)~~, and amendments thereto;

20 (3) any pupil who has been expelled under a policy adopted pursuant  
21 to K.S.A. 72-89a02, and amendments thereto;

22 (4) any pupil who has been adjudged to be a juvenile offender and  
23 whose offense, if committed by an adult, would constitute a felony under  
24 the laws of Kansas or the state where the offense was committed, except  
25 any pupil adjudicated as a juvenile offender for a felony theft offense  
26 involving no direct threat to human life; and

27 (5) any pupil who has been tried and convicted as an adult of any  
28 felony, except any pupil convicted of a felony theft crime involving no  
29 direct threat to human life.

30 A school employee and the superintendent of schools shall not be  
31 required to report information concerning a pupil specified in this  
32 subsection if the expulsion, adjudication as a juvenile offender or  
33 conviction of a felony occurred more than 365 days prior to the school  
34 employee's report to the superintendent of schools.

35 (b) Each board of education shall adopt a policy that includes:

36 (1) A requirement that an immediate report be made to the  
37 appropriate state or local law enforcement agency by or on behalf of any  
38 school employee who knows or has reason to believe that an act has been  
39 committed at school, on school property, or at a school supervised activity  
40 and that the act involved conduct which constitutes the commission of a  
41 felony or misdemeanor or which involves the possession, use or disposal  
42 of explosives, firearms or other weapons, *provided that the report would*  
43 *not violate the terms of the memorandum of understanding approved by*

- 1 *the school employee's school district pursuant to subsection (i); and*  
2 (2) the procedures for making such a report.
- 3 (c) School employees shall not be subject to the provisions of  
4 ~~subsection (b) of K.S.A. 72-89b04(b)~~, and amendments thereto, if:  
5 (1) They follow the procedures from a policy adopted pursuant to the  
6 provisions of subsection (b); or  
7 (2) their board of education fails to adopt such policy.
- 8 (d) Each board of education shall annually compile and report to the  
9 state board of education at least the following information relating to  
10 school safety and security: The types and frequency of criminal acts that  
11 are required to be reported pursuant to the provisions of subsection (b),  
12 *arrests and referrals to law enforcement or juvenile intake and assessment*  
13 *services made in connection to the criminal act*, disaggregated by  
14 occurrences at school, on school property and at school supervised  
15 activities. *The data must include an analysis according to race, gender*  
16 *and any other relevant demographic information*. The report shall be  
17 incorporated into and become part of the current report required under the  
18 quality performance accreditation system.
- 19 (e) Each board of education shall make available to pupils and their  
20 parents, to school employees and, upon request, to others, district policies  
21 and reports concerning school safety and security, except that the  
22 provisions of this subsection shall not apply to reports made by a  
23 superintendent of schools and school employees pursuant to subsection  
24 (a).
- 25 (f) Nothing in this section shall be construed or operate in any  
26 manner so as to prevent any school employee from reporting criminal acts  
27 to school officials and to appropriate state and local law enforcement  
28 agencies.
- 29 (g) The state board of education shall extract the information relating  
30 to school safety and security from the quality performance accreditation  
31 report and transmit the information to the governor, the legislature, the  
32 attorney general, the secretary of health and environment, the secretary for  
33 children and families and the commissioner of juvenile justice.
- 34 (h) No board of education, member of any such board, superintendent  
35 of schools or school employee shall be liable for damages in a civil action  
36 resulting from a person's good faith acts or omissions in complying with  
37 the requirements or provisions of the Kansas school safety and security  
38 act.
- 39 (i) *The state board of education shall require that the superintendent*  
40 *of schools in each school district or the superintendent's designee develop,*  
41 *approve and submit to the state board of education a memorandum of*  
42 *understanding developed in collaboration with relevant stakeholders,*  
43 *including law enforcement agencies, the courts and the district and county*

1 *attorneys, establishing clear guidelines for how and when school-based*  
2 *behaviors are referred to law enforcement or the juvenile justice system*  
3 *with the goal of reducing such referrals and protecting public safety. The*  
4 *state board of education shall provide a report annually to the department*  
5 *of corrections and to the office of judicial administration compiling school*  
6 *district compliance and summarizing the content of each memorandum of*  
7 *understanding.*

8 ~~Sec. 58.~~ **{59.}** On and after July 1, 2017, K.S.A. 2015 Supp. 72-89c02  
9 is hereby amended to read as follows: 72-89c02. (a) Whenever a pupil who  
10 has attained the age of 13 years has been found in possession of a weapon  
11 or illegal drug at school, upon school property or at a school supervised  
12 activity or has engaged in an act or behavior, committed at school, upon  
13 school property, or at a school-supervised activity which resulted in, or  
14 was substantially likely to have resulted in, serious bodily injury to others,  
15 the chief administrative officer of the school shall make a report of the  
16 pupil's act to the appropriate law enforcement agency, *provided that the*  
17 *report would not violate the terms of the memorandum of understanding*  
18 *approved by the superintendent of the school district pursuant to K.S.A.*  
19 *72-89b03(i), and amendments thereto.* The report shall be given as soon as  
20 practicable, but not to exceed 10 days from the date of the pupil's act,  
21 excluding holidays and weekends, to the appropriate law enforcement  
22 agency. Upon receipt of the report, the law enforcement agency shall  
23 investigate the matter and give written notice to the division of the act  
24 committed by the pupil. The notice shall be given to the division of  
25 vehicles by the law enforcement agency as soon as practicable but not to  
26 exceed 10 days, excluding holidays and weekends, after receipt of the  
27 report and shall include the pupil's name, address, date of birth, driver's  
28 license number, if available, and a description of the act committed by the  
29 pupil. A copy of the notice also shall be given to the pupil and to the parent  
30 or guardian of the pupil.

31 (b) If timely notice is not given to the appropriate law enforcement  
32 agency or to the division as specified in subsection (a), the division of  
33 vehicles shall not suspend the pupil's driver's license or privilege to  
34 operate a motor vehicle on the streets and highways of this state.

35 (c) If timely notice is given to the appropriate law enforcement  
36 agency and the division as specified in subsection (a), the division of  
37 vehicles immediately shall suspend the pupil's driver's license or privilege  
38 to operate a motor vehicle on the streets and highways of this state. The  
39 duration of the suspension shall be for a period of one year. Upon  
40 expiration of the period of suspension, the pupil may apply to the division  
41 for return of the license. If the license has expired, the pupil may apply for  
42 a new license, which shall be issued promptly upon payment of the proper  
43 fee and satisfaction of other conditions established by law for obtaining a

1 license unless another suspension or revocation of the pupil's privilege to  
2 operate a motor vehicle is in effect. If the pupil does not have a driver's  
3 license, the pupil's driving privileges shall be revoked. If timely notice is  
4 given to the appropriate law enforcement agency and the division as  
5 required by subsection (a), no Kansas driver's license shall be issued to a  
6 pupil whose driving privileges have been revoked pursuant to this  
7 subsection for a period of one year:

8 (1) Immediately following the date of receipt by the division of  
9 notification from a law enforcement agency containing the description of  
10 the pupil's act, if the pupil is eligible to apply for a driver's license; or

11 (2) after the date the pupil will be eligible to apply for a driver's  
12 license, if the pupil is not eligible to apply for a driver's license on the date  
13 of receipt of the notification.

14 (d) If the pupil's driver's license or driving privilege has been  
15 revoked, suspended or canceled for another cause, the suspension or  
16 revocation required by this section shall apply consecutively to the  
17 previous revocation, suspension or cancellation.

18 (e) Upon suspension or revocation of a pupil's driver's license or  
19 driving privilege to operate a motor vehicle as provided in this section, the  
20 division of vehicles shall immediately notify the pupil in writing. If the  
21 pupil makes a written request for hearing within 30 days after such notice  
22 of suspension or revocation, the division of vehicles shall afford the pupil  
23 an opportunity for a hearing as provided by K.S.A. 8-255, and  
24 amendments thereto. The scope of the hearing shall be limited to  
25 determination of whether or not: (1) Notice was given to the appropriate  
26 law enforcement agency and the division within the time specified in  
27 subsection (a); or (2) there are reasonable grounds to believe the pupil was  
28 in possession of a weapon or illegal drug at school, upon school property,  
29 or at a school-supervised activity or was engaged in behavior at school,  
30 upon school property, or at a school-supervised activity, which resulted in,  
31 or was substantially likely to have resulted in, serious bodily injury to  
32 others.

33 (f) For the purposes of this section, the term driver's license includes,  
34 in addition to any commercial driver's license and any class A, B, C or M  
35 driver's license, any restricted license issued under K.S.A. 8-237, and  
36 amendments thereto, any instruction permit issued under K.S.A. 8-239,  
37 and amendments thereto, and any farm permit issued under K.S.A. 8-296,  
38 and amendments thereto.

39 ~~Sec. 59. {60.}~~ K.S.A. 2015 Supp. 74-4914 is hereby amended to read  
40 as follows: 74-4914. (1) The normal retirement date for a member of the  
41 system shall be the first day of the month coinciding with or following  
42 termination of employment with any participating employer not followed  
43 by employment with any participating employer within 60 days and the

1 attainment of age 65 or, commencing July 1, 1993, age 62 with the  
2 completion of 10 years of credited service or the first day of the month  
3 coinciding with or following the date that the total of the number of years  
4 of credited service and the number of years of attained age of the member  
5 is equal to or more than 85. In no event shall a normal retirement date for a  
6 member be before six months after the entry date of the participating  
7 employer by whom such member is employed. A member may retire on  
8 the normal retirement date or on the first day of any month thereafter upon  
9 the filing with the office of the retirement system of an application in such  
10 form and manner as the board shall prescribe. Nothing herein shall prevent  
11 any person, member or retirant from being employed, appointed or elected  
12 as an employee, appointee, officer or member of the legislature. Elected  
13 officers may retire from the system on any date on or after the attainment  
14 of the normal retirement date, but no retirement benefits payable under this  
15 act shall be paid until the member has terminated such member's office.

16 (2) No retirant shall make contributions to the system or receive  
17 service credit for any service after the date of retirement.

18 (3) Any member who is an employee of an affiliating employer  
19 pursuant to K.S.A. 74-4954b, and amendments thereto, and has not  
20 withdrawn such member's accumulated contributions from the Kansas  
21 police and firemen's retirement system may retire before such member's  
22 normal retirement date on the first day of any month coinciding with or  
23 following the attainment of age 55.

24 (4) Any member may retire before such member's normal retirement  
25 date on the first day of any month coinciding with or following  
26 termination of employment with any participating employer not followed  
27 by employment with any participating employer within 60 days and the  
28 attainment of age 55 with the completion of 10 years of credited service,  
29 but in no event before six months after the entry date, upon the filing with  
30 the office of the retirement system of an application for retirement in such  
31 form and manner as the board shall prescribe.

32 (5) Except as provided in subsection (7), on or after July 1, 2006, for  
33 any retirant who is first employed or appointed in or to any position or  
34 office by a participating employer other than a participating employer for  
35 which such retirant was employed or appointed during the final two years  
36 of such retirant's participation, and, on or after April 1, 2009, for any  
37 retirant who is employed by a third-party entity who contracts services  
38 with a participating employer other than a participating employer for  
39 which such retirant was employed or appointed during the final two years  
40 of such retirant's participation to fill a position covered under K.S.A. 72-  
41 5410(a), and amendments thereto, with such retirant, such participating  
42 employer shall pay to the system the actuarially determined employer  
43 contribution and the statutorily prescribed employee contribution based on



1 the retirant's compensation during any such period of employment or  
2 appointment. If a retirant who retired on or after July 1, 1988, is employed  
3 or appointed in or to any position or office for which compensation for  
4 service is paid in an amount equal to \$20,000 or more in any one such  
5 calendar year, or \$25,000 or more in any one calendar year between July 1,  
6 2016, and July 1, 2021, by any participating employer for which such  
7 retirant was employed or appointed during the final two years of such  
8 retirant's participation, and, on or after April 1, 2009, by any third-party  
9 entity who contracts services to fill a position covered under K.S.A. 72-  
10 5410(a), and amendments thereto, with such retirant with a participating  
11 employer for which such retirant was employed or appointed during the  
12 final two years of such retirant's participation, such retirant shall not  
13 receive any retirement benefit for any month for which such retirant serves  
14 in such position or office. The participating employer who employs such  
15 retirant whether by contract directly with the retirant or through an  
16 arrangement with a third-party entity shall report to the system within 30  
17 days of when the compensation paid to the retirant is equal to or exceeds  
18 any limitation provided by this section. Any participating employer who  
19 contracts services with any such third-party entity to fill a position covered  
20 under K.S.A. 72-5410(a), and amendments thereto, shall include in such  
21 contract a provision or condition which requires the third-party entity to  
22 provide the participating employer with the necessary compensation paid  
23 information related to any such position filled by the third-party entity  
24 with a retirant to enable the participating employer to comply with  
25 provisions of this subsection relating to the payment of contributions and  
26 reporting requirements. The provisions and requirements provided for in  
27 amendments made in this act which relate to positions filled with a retirant  
28 or employment of a retirant by a third-party entity shall not apply to any  
29 contract for services entered into prior to April 1, 2009, between a  
30 participating employer and third-party entity as described in this  
31 subsection. Any retirant employed by a participating employer or a third-  
32 party entity as provided in this subsection shall not make contributions nor  
33 receive additional credit under such system for such service except as  
34 provided by this section. Upon request of the executive director of the  
35 system, the secretary of revenue shall provide such information as may be  
36 needed by the executive director to carry out the provisions of this act. The  
37 provisions of this subsection shall not apply to retirants employed as  
38 substitute teachers or officers, employees or appointees of the legislature.  
39 The provisions of this subsection shall not apply to members of the  
40 legislature prior to January 8, 2000. The provisions of this subsection shall  
41 not apply to any other elected officials prior to the term of office of such  
42 elected official which commences on or after July 1, 2000. The provisions  
43 of this subsection shall apply to any other elected official, except an

1 elected city or county officer as further provided in this subsection, on and  
2 after the term of office of such other elected official which commences on  
3 or after July 1, 2000. Notwithstanding any provisions of law to the  
4 contrary, when an elected city or county officer is retired under the  
5 provisions of subsection (1) or (4) of this section and is paid an amount of  
6 compensation of \$25,000 or more in any one calendar year between July 1,  
7 2016, and July 1, 2021, such officer may receive such officer's salary, and  
8 still be entitled to receive such officer's retirement benefit pursuant to the  
9 provisions of K.S.A. 74-4915 et seq., and amendments thereto. Except as  
10 otherwise provided, commencing January 8, 2001, the provisions of this  
11 subsection shall apply to members of the legislature. For determination of  
12 the amount of compensation paid pursuant to this subsection, for members  
13 of the legislature, compensation shall include any amount paid as provided  
14 pursuant to K.S.A. 46-137a(a), (b), (c) and (d), and amendments thereto,  
15 or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding  
16 any provision of law to the contrary, when a member of the legislature is  
17 paid an amount of compensation of \$20,000 or more in any one calendar  
18 year, the member may continue to receive any amount provided in K.S.A.  
19 46-137a(b) and (d), and amendments thereto, and still be entitled to  
20 receive such member's retirement benefit. Commencing July 1, 2005, the  
21 provisions of this subsection shall not apply to retirants who either retired  
22 under the provisions of subsection (1), or, if they retired under the  
23 provisions of subsection (4), were retired more than 30 days prior to the  
24 effective date of this act and are licensed professional nurses or licensed  
25 practical nurses employed by the state of Kansas in an institution as  
26 defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302~~(f)~~(k), and amendments  
27 thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing  
28 in this subsection shall be construed to create any right, or to authorize the  
29 creation of any right, which is not subject to amendment or nullification by  
30 act of the legislature. The participating employer of such retirant shall pay  
31 to the system the actuarially determined employer contribution based on  
32 the retirant's compensation during any such period of employment.

33 (6) For purposes of this section, any employee of a local  
34 governmental unit which has its own pension plan who becomes an  
35 employee of a participating employer as a result of a merger or  
36 consolidation of services provided by local governmental units, which  
37 occurred on January 1, 1994, may count service with such local  
38 governmental unit in determining whether such employee has met the  
39 years of credited service requirements contained in this section.

40 (7) (a) Except as provided in K.S.A. 74-4937(3), (4), or (5), and  
41 amendments thereto, and the provisions of this subsection, commencing  
42 July 1, 2016, and ending July 1, 2021, any retirant who is employed or  
43 appointed in or to any position by a participating employer or a third-party

1 entity who contracts services with a participating employer to fill a  
2 position, without any prearranged agreement with such participating  
3 employer and not prior to 60 days after such retirant's retirement date, shall  
4 not receive any retirement benefit for any month in any calendar year in  
5 which the retirant receives compensation in an amount equal to \$25,000 or  
6 more, pursuant to this subsection. The provisions of this subsection shall  
7 apply to members of the legislature.

8 (b) The provisions of this subsection shall not apply to retirants that  
9 are:

10 (i) Licensed professional nurses or licensed practical nurses employed  
11 by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or  
12 38-2302(~~f~~)(k), and amendments thereto, the Kansas soldiers' home or the  
13 Kansas veterans' home. The participating employer of such retirant shall  
14 pay to the system the actuarially determined employer contribution based  
15 on the retirant's compensation and the statutorily prescribed employee  
16 contribution during any such period of employment;

17 (ii) employed by a school district in a position as provided in K.S.A.  
18 74-4937(3), (4) or (5), and amendments thereto;

19 (iii) certified law enforcement officers employed by the law  
20 enforcement training center. Such law enforcement officers shall receive  
21 their benefits notwithstanding this subsection. The law enforcement  
22 training center shall pay to the system the actuarial determined employer  
23 contribution and the statutorily prescribed employee contribution based on  
24 the retirant's compensation during any such period of employment;

25 (iv) members of the Kansas police and firemen's retirement system  
26 pursuant to K.S.A. 74-4951 et seq., and amendments thereto, or members  
27 of the retirement system for judges pursuant to K.S.A. 20-2601 et seq., and  
28 amendments thereto;

29 (v) employed as substitute teachers or officers, employees or  
30 appointees of the legislature; and

31 (vi) employed by, or have accepted employment from, a participating  
32 employer prior to May 1, 2015. Any break in continuous employment by a  
33 retirant or move to a different position by a retirant during the effective  
34 period of this subsection shall be deemed new employment and shall  
35 subject the retirant to the provisions of this subsection.

36 (c) The participating employer shall enroll all retirants and report to  
37 the system when compensation is paid to a retirant as provided in this  
38 subsection. Upon request of the executive director of the system, the  
39 participating employer shall provide such information as may be needed  
40 by the executive director to carry out the provisions of this subsection. Any  
41 participating employer who hires a retirant covered by this subsection shall  
42 pay to the system the statutorily prescribed employer contribution rate for  
43 such retirant, without regard to whether the retirant is receiving benefits.

1 No retirant shall receive credit for service while employed under the  
2 provisions of this subsection.

3 (d) A participating employer may employ a retirant without regard to  
4 the compensation limitation in this subsection for a period of one calendar  
5 year or one school year, as the case may be, if the following requirements  
6 are met:

7 (i) The employer certifies to the board that the position being filled  
8 has been vacated due to an unexpected emergency or the employer has  
9 been unsuccessful in filling the position;

10 (ii) the employer pays to the system the actuarially determined  
11 employer contribution based on the retirant's compensation during any  
12 such period of employment plus 8%;

13 (iii) the employer maintains documentation of its efforts to fill the  
14 position with a non-retirant and provides such documentation to the joint  
15 committee on pensions, investments and benefits upon request of the  
16 committee.

17 (e) An employer may submit a written appeal to the joint committee  
18 on pensions, investments and benefits to extend the exception provided for  
19 in subsection (7)(d) by one year. Such written appeal shall include  
20 documentation of the employer's efforts to fill the position with a non-  
21 retirant. Granting or denial of such extension shall be at the sole discretion  
22 of the committee.

23 (f) On July 1, 2016, and at least every five years thereafter, the joint  
24 committee on pensions, investments and benefits shall study the issue of  
25 whether the compensation limitation prescribed in this subsection should  
26 be adjusted. The committee shall consider the effect of inflation and data  
27 on member retirement benefits and active employee compensation.

28 (g) Nothing in this subsection shall be construed to create any right,  
29 or to authorize the creation of any right, which is not subject to  
30 amendment or nullification by act of the legislature.

31 **Sec. 61. K.S.A. 75-3722 is hereby amended to read as follows: 75-**  
32 **3722. An allotment system will be applicable to the expenditure of the**  
33 **resources of any state agency, under rules and regulations established**  
34 **as provided in K.S.A. 75-3706, and amendments thereto, only if in the**  
35 **opinion of the secretary of administration on the advice of the director**  
36 **of the budget, the use of an allotment plan is necessary or beneficial to**  
37 **the state. In making this determination the secretary of administration**  
38 **shall take into consideration all pertinent factors including: (1)**  
39 **available resources; (2) current spending rates; (3) work loads; (4)**  
40 **new activities, especially any proposed activities not covered in the**  
41 **agency's request to the governor and the legislature for**  
42 **appropriations; (5) the minimum current needs of each agency; (6)**  
43 **requests for deficiency appropriations in prior fiscal years; (7)**

1 unexpended and unencumbered balances, and (8) revenue collection  
2 rates and prospects.

3 Whenever for any fiscal year it appears that the resources of the  
4 general fund or any special revenue fund are likely to be insufficient to  
5 cover the appropriations made against such general fund or special  
6 revenue fund, the secretary of administration, on the advice of the  
7 director of the budget, shall, in such manner as he or she may  
8 determine, inaugurate the allotment system so as to assure that  
9 expenditures for any particular fiscal year will not exceed the  
10 available resources of the general fund or any special revenue fund for  
11 that fiscal year. The allotment system shall not apply to the legislature  
12 or to the courts or their officers and employees, or to payments made  
13 from the juvenile justice improvement fund, established in section 13, and  
14 amendments thereto, for the development and implementation of evidence-  
15 based community programs and practices for juvenile offenders and their  
16 families. Agencies affected by decisions of the secretary of administration  
17 under this section shall be notified in writing at least ~~thirty (30)~~ 30 days  
18 before such decisions may become effective and any affected agency may,  
19 by written request addressed to the governor within ~~ten (10)~~ 10 days after  
20 such notice, ask for a review of the decision by the finance council. The  
21 finance council shall hear appeals and render a decision within ~~twenty (20)~~  
22 20 days after the governor receives requests for such hearings.

23 **Sec. 62. K.S.A. 75-6704 is hereby amended to read as follows: 75-**  
24 **6704. (a) The director of the budget shall continuously monitor the**  
25 **status of the state general fund with regard to estimated and actual**  
26 **revenues and approved and actual expenditures and demand**  
27 **transfers. Periodically, the director of the budget shall estimate the**  
28 **amount of the unencumbered ending balance of moneys in the state**  
29 **general fund for the current fiscal year and the total amount of**  
30 **anticipated expenditures, demand transfers and encumbrances of**  
31 **moneys in the state general fund for the current fiscal year. If the**  
32 **amount of such unencumbered ending balance in the state general**  
33 **fund is less than \$100,000,000, the director of the budget shall certify**  
34 **to the governor the difference between \$100,000,000 and the amount**  
35 **of such unencumbered ending balance in the state general fund, after**  
36 **adjusting the estimates of the amounts of such demand transfers with**  
37 **regard to new estimates of revenues to the state general fund, where**  
38 **appropriate.**

39 **(b) Upon receipt of any such certification and subject to approval**  
40 **of the state finance council acting on this matter which is hereby**  
41 **declared to be a matter of legislative delegation and subject to the**  
42 **guidelines prescribed by ~~subsection (e) of K.S.A. 75-3711c(c), and~~**  
43 **amendments thereto, the governor may issue an executive order reducing,**

1 by applying a percentage reduction determined by the governor in  
2 accordance with this section; (1) The amount authorized to be expended  
3 from each appropriation from the state general fund for the current fiscal  
4 year, other than any item of appropriation for debt service for payments  
5 pursuant to contractual bond obligations or any item of appropriation for  
6 employer contributions for the employers who are eligible employers as  
7 specified in ~~subsections (1), (2) and (3)~~ of K.S.A. 74-4931(1), (2) and (3),  
8 and amendments thereto, under the Kansas public employees retirement  
9 system pursuant to K.S.A. 74-4939, and amendments thereto, *or for*  
10 *payments made from the juvenile justice improvement fund for the*  
11 *development and implementation of evidence-based community programs*  
12 *and practices for juvenile offender and their families; and (2) the amount*  
13 *of each demand transfer from the state general fund for the current fiscal*  
14 *year, other than any demand transfer to the school district capital*  
15 *improvements fund for distribution to school districts pursuant to K.S.A.*  
16 *75-2319, and amendments thereto.*

17 **(c) The reduction imposed by an executive order issued under**  
18 **this section shall be determined by the governor and may be equal to**  
19 **or less than the amount certified under subsection (a). Except as**  
20 **otherwise specifically provided by this section, the percentage**  
21 **reduction applied under subsection (b) shall be the same for each item**  
22 **of appropriation and each demand transfer and shall be imposed**  
23 **equally on all such items of appropriation and demand transfers**  
24 **without exception. No such percentage reduction and no provisions of**  
25 **any such executive order under this section shall apply or be**  
26 **construed to reduce any item of appropriation for debt service for**  
27 **payments pursuant to contractual bond obligations or any item of**  
28 **appropriation for employer contributions for the employers who are**  
29 **eligible employers as specified in** ~~subsections (1), (2) and (3)~~ **of K.S.A.**  
30 **74-4931(1), (2) and (3), and amendments thereto, under the Kansas public**  
31 **employees retirement system pursuant to K.S.A. 74-4939, and**  
32 **amendments thereto, or any demand transfer to the school district capital**  
33 **improvements fund for distribution to school districts pursuant to K.S.A.**  
34 **75-2319, and amendments thereto. The provisions of such executive order**  
35 **shall be effective for all state agencies of the executive, legislative and**  
36 **judicial branches of state government.**

37 **(d) If the governor issues an executive order under this section,**  
38 **the director of accounts and reports shall not issue any warrant for the**  
39 **payment of moneys in the state general fund or make any demand**  
40 **transfer of moneys in the state general fund for any state agency**  
41 **unless such warrant or demand transfer is in accordance with such**  
42 **executive order and such warrant or demand transfer does not exceed**  
43 **the amount of money permitted to be expended or transferred from**

1 the state general fund.

2 (e) **Nothing in this section shall be construed to: (1) Require the**  
3 **governor to issue an executive order under this section upon receipt of**  
4 **any such certification by the director of the budget; or (2) restrict the**  
5 **number of times that the director of the budget may make a**  
6 **certification under this section or that the governor may issue an**  
7 **executive order under this section.**

8 Sec. ~~60-61.7~~ 63. On and after January 1, 2017, K.S.A. 2015 Supp.  
9 75-7023 is hereby amended to read as follows: 75-7023. (a) ~~The supreme~~  
10 ~~court through administrative orders shall provide for the establishment of a~~  
11 ~~juvenile intake and assessment system and for the establishment and~~  
12 ~~operation of juvenile intake and assessment programs in each judicial~~  
13 ~~district. On and after July 1, 1997, The secretary for children and families~~  
14 ~~may contract with the commissioner of juvenile justice~~ *secretary of*  
15 *corrections* to provide for the juvenile intake and assessment system and  
16 programs for children in need of care. Except as provided further, ~~on and~~  
17 ~~after July 1, 1997, the commissioner of juvenile justice~~ *the secretary of*  
18 *corrections* shall promulgate rules and regulations for the juvenile intake  
19 and assessment system and programs concerning juvenile offenders. If the  
20 ~~commissioner~~ *secretary* contracts with the office of judicial administration  
21 to administer the juvenile intake and assessment system and programs  
22 concerning juvenile offenders, the supreme court administrative orders  
23 shall be in force until such contract ends and the rules and regulations  
24 concerning juvenile intake and assessment system and programs  
25 concerning juvenile offenders have been adopted.

26 (b) No records, reports and information obtained as a part of the  
27 juvenile intake and assessment process may be admitted into evidence in  
28 any proceeding and may not be used in a child in need of care proceeding  
29 except for diagnostic and referral purposes and by the court in considering  
30 dispositional alternatives. However, if the records, reports or information  
31 are in regard to abuse or neglect, which is required to be reported under  
32 K.S.A. 2015 Supp. 38-2223, and amendments thereto, such records,  
33 reports or information may then be used for any purpose in a child in need  
34 of care proceeding pursuant to the revised Kansas code for care of  
35 children.

36 (c) Upon a juvenile being taken into custody pursuant to K.S.A. 2015  
37 Supp. 38-2330, and amendments thereto, a juvenile intake and assessment  
38 worker shall complete the intake and assessment process, *making release*  
39 *and referral determinations* as required by supreme court administrative  
40 order or district court rule ~~prior to July 1, 1997~~, or except as provided  
41 above rules and regulations established by the ~~commissioner of juvenile~~  
42 ~~justice on and after July 1, 1997~~ *secretary of corrections*.

43 (d) Except as provided in subsection (g) and in addition to any other

1 information required by the supreme court administrative order, the  
 2 secretary *for children and families*, the ~~commissioner~~ secretary of  
 3 *corrections* or by the district court of such district, the juvenile intake and  
 4 assessment worker shall collect the following information *either in person*  
 5 *or over two-way audio or audio-visual communication*:

6 (1) *The results of a standardized detention risk assessment tool*  
 7 *pursuant to K.S.A. 2015 Supp. 38-2302, and amendments thereto, if*  
 8 *detention is being considered for the juvenile*, such as the problem oriented  
 9 screening instrument for teens;

10 (2) criminal history, including indications of criminal gang  
 11 involvement;

12 (3) abuse history;

13 (4) substance abuse history;

14 (5) history of prior community services used or treatments provided;

15 (6) educational history;

16 (7) medical history; ~~and~~

17 (8) family history; **and**

18 **(9) the results of other assessment instruments as approved by the**  
 19 **secretary.**

20 (e) After completion of the intake and assessment process for such  
 21 child, the intake and assessment worker ~~may~~ *shall make both a release*  
 22 *and a referral determination*:

23 (1) Release the child to the custody of the child's parent, other legal  
 24 guardian or another appropriate adult ~~if the intake and assessment worker~~  
 25 ~~believes that it would be in the best interest of the child and it would not~~  
 26 ~~be harmful to the child to do so.~~

27 (2) Conditionally release the child to the child's parent, other legal  
 28 guardian or another appropriate adult if the intake and assessment worker  
 29 believes that if the conditions are met, it would be in the child's best  
 30 interest to release the child to such child's parent, other legal guardian or  
 31 another appropriate adult; and the intake and assessment worker has  
 32 reason to believe that it might be harmful to the child to release the child to  
 33 such child's parents, other legal guardian or another appropriate adult  
 34 without imposing the conditions. The conditions may include, but not be  
 35 limited to *the alternatives listed in K.S.A. 2015 Supp. 38-2331* ~~(e)~~ **(b)**, *and*  
 36 *amendments thereto, and the following*:

37 (A) Participation of the child in counseling;

38 (B) participation of members of the child's family in counseling;

39 (C) participation by the child, members of the child's family and other  
 40 relevant persons in mediation;

41 (D) provision of ~~inpatient~~ *outpatient* treatment for the child;

42 (E) referral of the child and the child's family to the secretary for  
 43 children and families for services and the agreement of the child and



1 family to accept and participate in the services offered;

2 (F) referral of the child and the child's family to available community  
3 resources or services and the agreement of the child and family to accept  
4 and participate in the services offered;

5 (G) requiring the child and members of the child's family to enter into  
6 a behavioral contract which may provide for regular school attendance  
7 among other requirements; or

8 (H) any special conditions necessary to protect the child from future  
9 abuse or neglect.

10 (3) Deliver the child to a shelter facility or a licensed attendant care  
11 center along with the law enforcement officer's written application *for a*  
12 *maximum stay of up to 72 hours*. The shelter facility or licensed attendant  
13 care facility shall then have custody as if the child had been directly  
14 delivered to the facility by the law enforcement officer pursuant to K.S.A.  
15 2015 Supp. 38-2232, and amendments thereto.

16 (4) ~~Refer the child to~~ *The intake and assessment worker shall also*  
17 *refer the juvenile's case to one of the following:*

18 (A) *An immediate intervention program pursuant to K.S.A. 2015*  
19 *Supp. 38-2346(b), and amendments thereto;*

20 (B) *the county or district attorney for appropriate proceedings to be*  
21 *filed, with or without a recommendation that the juvenile be considered*  
22 *for alternative means of adjudication programs pursuant to K.S.A. 2015*  
23 *Supp. 38-2389, and amendments thereto, or immediate intervention*  
24 *pursuant to K.S.A. 2015 Supp. 38-2346, and amendments thereto; or*

25 (C) *refer the child and family to the secretary for children and*  
26 *families for investigations in regard to the allegations.*

27 ~~(5) Make recommendations to the county or district attorney~~  
28 ~~concerning immediate intervention programs which may be beneficial to~~  
29 ~~the juvenile.~~

30 ~~(f) The commissioner may adopt rules and regulations which allow~~  
31 ~~local juvenile intake and assessment programs to create a risk assessment~~  
32 ~~tool, as long as such tool meets the mandatory reporting requirements~~  
33 ~~established by the commissioner~~ *secretary of corrections, in conjunction*  
34 *with the office of judicial administration, shall develop, implement and*  
35 *validate on the Kansas juvenile population, a statewide detention risk*  
36 *assessment tool.*

37 (1) *The assessment shall be conducted for each youth under*  
38 *consideration for detention and may only be conducted by a juvenile*  
39 *intake and assessment worker who has completed training to conduct the*  
40 *detention risk assessment tool.*

41 (2) *The secretary and the office of judicial administration shall*  
42 *establish cutoff scores determining eligibility for placement in a juvenile*  
43 *detention facility or for referral to a community-based alternative to*

1 *detention and shall collect and report data regarding the use of the*  
2 *detention risk assessment tool.*

3 (3) *The detention risk assessment tool includes an override function*  
4 *that may be approved by the court for use under certain circumstances. If*  
5 *approved by the court, the juvenile intake and assessment worker or the*  
6 *court may override the detention risk assessment tool score in order to*  
7 *direct placement in a short-term shelter facility, a community-based*  
8 *alternative to detention or, subject to K.S.A. 2015 Supp. 38-2331, and*  
9 *amendments thereto, a juvenile detention facility. Such override must be*  
10 *documented, include a written explanation and receive approval from the*  
11 *director of the intake and assessment center or the court.*

12 (4) *If a juvenile meets one or more eligibility criteria for detention or*  
13 *referral to a community-based alternative to detention, the person with*  
14 *authority to detain shall maintain discretion to release the juvenile if other*  
15 *less restrictive measures would be adequate.*

16 (g) *Parents, guardians and juveniles may access the juvenile intake*  
17 *and assessment programs on a voluntary basis. The parent or guardian*  
18 *shall be responsible for the costs of any such program utilized.*

19 (h) *Every juvenile intake and assessment worker shall receive*  
20 *training in evidence-based practices, including, but not limited to:*

21 (1) *Risk and needs assessments;*

22 (2) *individualized diversions based on needs and strengths;*

23 (3) *graduated responses;*

24 (4) *family engagement;*

25 (5) *trauma-informed care;*

26 (6) *substance abuse;*

27 (7) *mental health; and*

28 (8) *special education.*

29 ~~Sec. 61-~~62~~ 64.~~ K.S.A. 2015 Supp. 75-7038 is hereby amended to  
30 read as follows: 75-7038. The ~~commissioner of juvenile justice~~ *secretary*  
31 *of corrections* may make grants to counties for the development,  
32 implementation, operation and improvement of juvenile community  
33 correctional services including, but not limited to, restitution programs;  
34 victim services programs; balanced and restorative justice programs;  
35 preventive or diversionary correctional programs; programs to reduce  
36 racial, geographic and other biases that may exist in the juvenile justice  
37 system; *community-based alternatives to detention*; and community  
38 juvenile corrections centers and facilities for the detention or confinement,  
39 care or treatment of juveniles being detained or adjudged to be a juvenile  
40 offender.

41 ~~Sec. 62-~~63~~ 65.~~ K.S.A. 2015 Supp. 75-7044 is hereby amended to  
42 read as follows: 75-7044. (a) Subject to the other provisions of this  
43 section, each juvenile corrections advisory board established under K.S.A.

1 75-7038 through 75-7053, and amendments thereto, shall consist of 12 or  
2 more members who shall be representative of law enforcement, *defense*,  
3 prosecution, the judiciary, education, corrections, ethnic minorities, the  
4 social services and the general public and shall be appointed as follows:

5 (1) The law enforcement representatives shall be:

6 (A) The sheriff or, if two or more counties are cooperating, the sheriff  
7 selected by the sheriffs of those counties, or the designee of that sheriff;  
8 and

9 (B) the chief of police of the city with the largest population at the  
10 time the board is established or, if two or more counties are cooperating,  
11 the chief of police selected by the chiefs of police of each city with the  
12 largest population in each county at the time the board is established, or  
13 the designee of that chief of police, except that for purposes of this  
14 paragraph in the case of a county having consolidated law enforcement  
15 and not having a sheriff or any chiefs of police, "sheriff" means the law  
16 enforcement director and "chief of police of the city with the largest  
17 population" or "chief of police" means a law enforcement officer, other  
18 than the law enforcement director, appointed by the county law  
19 enforcement agency for the purposes of this section;

20 (2) the prosecution representative shall be the county or district  
21 attorney or, if two or more counties are cooperating, a county or district  
22 attorney selected by the county and district attorneys of those counties, or  
23 the designee of that county or district attorney;

24 (3) the judiciary representative shall be the judge of the district court  
25 of the judicial district, who is assigned the juvenile court docket or the  
26 judge who is assigned most juvenile court cases, or if there is more than  
27 one judge in the judicial district who is assigned the juvenile court docket,  
28 the administrative judge of such judicial district shall appoint one of the  
29 judges who is assigned the juvenile court docket, containing the county or  
30 group of counties or, if two or more counties in two or more judicial  
31 districts are cooperating, the judge of each such judicial district, who is  
32 assigned the juvenile court docket or the judge who is assigned most  
33 juvenile court cases, or if there is more than one judge in the judicial  
34 district who is assigned the juvenile court docket, the administrative judge  
35 of such judicial district shall appoint one of the judges who is assigned the  
36 juvenile court docket;

37 (4) the education representative shall be an educational professional  
38 appointed by the board of county commissioners of the county or, if two or  
39 more counties are cooperating, by the boards of county commissioners of  
40 those counties;

41 (5) a court services officer designated by the judge of the district  
42 court of the judicial district, who is assigned the juvenile court docket or  
43 the judge who is assigned most juvenile court cases, or if there is more

1 than one judge in the judicial district who is assigned the juvenile court  
2 docket, the administrative judge of such judicial district shall appoint one  
3 of the judges who is assigned the juvenile court docket, containing the  
4 county or group of counties or, if counties in two or more judicial districts  
5 are cooperating, a court services officer designated by the judges of those  
6 judicial districts, who are assigned the juvenile court docket or the judges  
7 who are assigned most juvenile court cases;

8 (6) an executive director of the community mental health center or  
9 such director's designee or in the absence of such position, the board of  
10 county commissioners of the county shall appoint or, if two or more  
11 counties are cooperating, the boards of county commissioners of those  
12 counties shall together appoint a representative of mental health service  
13 providers for juveniles in such county or counties;

14 (7) the board of county commissioners of the county shall appoint or,  
15 if two or more counties are cooperating, the boards of county  
16 commissioners of those counties shall together appoint at least three and  
17 no more than six additional members of the juvenile corrections advisory  
18 board or, if necessary, additional members so that each county which is not  
19 otherwise represented on the board is represented by at least one member  
20 of such board; ~~and~~

21 (8) three members of the juvenile corrections advisory board shall be  
22 appointed by cities located within the county or group of cooperating  
23 counties as follows:

24 (A) If there are three or more cities of the first class, the governing  
25 body of each of the three cities of the first class having the largest  
26 populations shall each appoint one member;

27 (B) if there are two cities of the first class, the governing body of the  
28 larger city of the first class shall appoint two members and the governing  
29 body of the smaller city of the first class shall appoint one member;

30 (C) if there is only one city of the first class, the governing body of  
31 such city shall appoint all three members; ~~and or~~

32 (D) if there are no cities of the first class, the governing body of each  
33 of the three cities having the largest populations shall each appoint one  
34 member; *and*

35 (9) *the juvenile defense representative shall be a practicing juvenile*  
36 *defense attorney in the judicial district and shall be selected by the judge*  
37 *of the district court of the judicial district who is assigned the juvenile*  
38 *court docket.*

39 (b) If possible, of the members appointed by the boards of county  
40 commissioners in accordance with subsection (a)(7) and by the governing  
41 bodies of cities in accordance with subsection (a)(8), members shall be  
42 representative of one or more of the following:

43 (1) Public or private social service agencies;

- 1 (2) ex-offenders;
- 2 (3) the health care professions; and
- 3 (4) the general public.

4 (c) At least two members of each juvenile corrections advisory board  
5 shall be representative of ethnic minorities and no more than  $\frac{2}{3}$  of the  
6 members of each board shall be members of the same gender.

7 (d) In lieu of the provisions of subsections (a) through (c), a group of  
8 cooperating counties as provided in ~~subsection (a)(2) of K.S.A. 75-~~  
9 ~~7052(a)(2)~~, and amendments thereto, may establish a juvenile corrections  
10 advisory board which such board's membership shall be determined by  
11 such group of counties through cooperative action pursuant to the  
12 provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto,  
13 to the extent that those statutes do not conflict with the provisions of  
14 K.S.A. 75-7038 through 75-7053, and amendments thereto, except that if  
15 two or more counties in two or more judicial districts are cooperating, the  
16 administrative judge of each such judicial district, or a judge of the district  
17 court designated by each such administrative judge shall be a member of  
18 such board. In determining the membership of the juvenile corrections  
19 advisory board pursuant to this subsection, such group of counties shall  
20 appoint members who are representative of law enforcement, *defense*,  
21 prosecution, the judiciary, education, corrections, ethnic minorities, the  
22 social services and the general public. Any juvenile corrections advisory  
23 board established and the membership determined pursuant to this  
24 subsection shall be subject to the approval of the commissioner of juvenile  
25 justice.

26 (e) In lieu of the provisions of subsections (a) through (d) and subject  
27 to the approval of the ~~commissioner of juvenile justice~~ *secretary of*  
28 *corrections*, any county may designate the corrections advisory board, as  
29 established in K.S.A. 75-5297, and amendments thereto, as such county's  
30 juvenile corrections advisory board. For the purposes of K.S.A. 75-7038  
31 through 75-7053, and amendments thereto, if a county designates the  
32 corrections advisory board as provided by this subsection, membership on  
33 such board shall be expanded to comply with the requirements of  
34 subsection (a).

35 ~~Sec. 63-64.1~~ **66.** K.S.A. 2015 Supp. 75-7046 is hereby amended to  
36 read as follows: 75-7046. Juvenile corrections advisory boards established  
37 under the provisions of K.S.A. 75-7038 through 75-7053, and amendments  
38 thereto, shall *adhere to the goals of the juvenile justice code as provided in*  
39 *K.S.A. 2015 Supp. 38-2301, and amendments thereto, coordinate with the*  
40 *Kansas juvenile justice oversight committee created in section 4, and*  
41 *amendments thereto, actively participate in the formulation of the*  
42 *comprehensive plan for the development, implementation and operation of*  
43 *the juvenile correctional services described in K.S.A. 75-7038, and*

1 amendments thereto, in the county or group of cooperating counties, and  
2 shall make a formal recommendation to the board or boards of county  
3 commissioners at least annually concerning the comprehensive plan and its  
4 implementation and operation during the ensuing year. The formal  
5 recommendation concerning the comprehensive plan shall include  
6 provisions to address racial, geographic and other biases that may exist in  
7 the juvenile justice system.

8 Sec. ~~64-657~~ 67. K.S.A. 2015 Supp. 79-4803 is hereby amended to  
9 read as follows: 79-4803. (a) After the transfer of moneys pursuant to  
10 K.S.A. 2015 Supp. 79-4806, and amendments thereto:

11 (1) An amount equal to 10% of the balance of all moneys credited to  
12 the state gaming revenues fund shall be transferred and credited to the  
13 correctional institutions building fund created pursuant to K.S.A. 76-6b09,  
14 and amendments thereto, to be appropriated by the legislature for the use  
15 and benefit of state correctional institutions as provided in K.S.A. 76-  
16 6b09, and amendments thereto; and

17 (2) an amount equal to 5% of the balance of all moneys credited to  
18 the state gaming revenues fund shall be transferred and credited to the  
19 juvenile *alternatives to detention* ~~facilities~~ fund.

20 (b) There is hereby created in the state treasury the juvenile  
21 *alternatives to detention* ~~facilities~~ fund which shall be administered by the  
22 commissioner of juvenile justice. The Kansas advisory group on juvenile  
23 justice and delinquency prevention shall review and make  
24 recommendations concerning the administration of the fund. All  
25 expenditures from the juvenile *alternatives to detention* ~~facilities~~ fund  
26 shall be for the ~~retirement of debt of facilities for the detention of~~  
27 ~~juveniles; or for the construction, renovation, remodeling or operational~~  
28 ~~costs of facilities for the detention of juveniles~~ *development and operation*  
29 *of community-based alternatives to detention* in accordance with a grant  
30 program which shall be established with grant criteria designed by the  
31 *secretary of corrections* to facilitate the expeditious award and payment of  
32 grants for the purposes for which the moneys are intended. ~~"Operational~~  
33 ~~costs" shall not be limited to any per capita reimbursement by the~~  
34 ~~commissioner of juvenile justice for juveniles~~ *secretary under the*  
35 ~~supervision and custody of the commissioner~~ *secretary but shall include*  
36 ~~payments to counties as and for their costs of operating the facility. The~~  
37 ~~commissioner of juvenile justice~~ *community-based alternatives to*  
38 ~~detention for juveniles.~~ *The secretary* shall make grants of the moneys  
39 credited to the juvenile *alternatives to detention* ~~facilities~~ fund for such  
40 purposes to counties in accordance with such grant program. All  
41 expenditures from the juvenile *alternatives to detention* ~~facilities~~ fund  
42 shall be made in accordance with appropriation acts upon warrants of the  
43 director of accounts and reports issued pursuant to vouchers approved by

1 the commissioner of juvenile justice *secretary* or the commissioner's  
2 *secretary's* designee.

3 (c) On or before the 10<sup>th</sup> day of each month, the director of accounts  
4 and reports shall transfer from the state general fund to the juvenile  
5 *alternatives to detention facilities* fund interest earnings based on:

6 (1) The average daily balance of moneys in the juvenile *alternatives*  
7 *to detention facilities* fund for the preceding month; and

8 (2) the net earnings rate of the pooled money investment portfolio for  
9 the preceding month.

10 Sec. ~~65-166.1~~ **68.** K.S.A. 12-4112 ~~and~~, 20-167, **75-3722 and 75-6704**  
11 and K.S.A. 2015 Supp. 8-241, 8-2110, 12-4117, ~~38-2202~~, 38-2302, ~~38-~~  
12 ~~2304~~, 38-2313, ~~38-2342~~, 38-2347, 38-2360, ~~38-2361~~, ~~{38-2364}~~, ~~38-2366~~,  
13 38-2367, ~~38-2368~~, ~~38-2369~~, ~~38-2371~~, 38-2372, ~~38-2374~~, ~~38-2375~~, ~~38-~~  
14 ~~2376~~, ~~38-2377~~, 65-5603, 74-4914, 75-7038, 75-7044, 75-7046 and 79-  
15 4803 are hereby repealed.

16 Sec. ~~66-167.1~~ **69.** *On* and after January 1, 2017, K.S.A. 2015 Supp.  
17 38-2330, 38-2331, 38-2332, ~~38-2343~~, 38-2344, 38-2346, 38-2373, ~~38-~~  
18 ~~2389~~ and 75-7023 are hereby repealed.

19 Sec. ~~67-168.1~~ **70.** *On* and after July 1, 2017, K.S.A. 2015 Supp. ~~38-~~  
20 ~~2232~~, ~~38-2242~~, ~~38-2243~~, ~~38-2255~~, ~~38-2260~~, ~~38-2288~~, **38-2304**, 38-2325,  
21 38-2334, 38-2335, **38-2342**, **38-2343**, **38-2361**, ~~38-2364~~, 38-2365, **38-**  
22 **2368**, **38-2369**, **38-2371**, **38-2374**, **38-2375**, **38-2376**, **38-2377**, **38-2389**,  
23 **72-1113**, 72-8222, 72-89b03 and 72-89c02 are hereby repealed.

24 ~~Sec. 68.169.1~~ ***On and after July 1, 2018, K.S.A. 2015 Supp. 38-2365***  
25 ***is hereby repealed.***

26 Sec. ~~69.170.1~~ **71.** *On and after July 1, 2019, K.S.A. 2015 Supp. 38-*  
27 ***2202, 38-2232, 38-2242, 38-2243, 38-2260 and 38-2288 are hereby***  
28 ***repealed.***

29 Sec. ~~68.70.171.1~~ **72.** This act shall take effect and be in force from  
30 and after its publication in the statute book.