

**HOUSE BILL No. 2456**

By Joint Committee on Corrections and Juvenile Justice Oversight

1-10

Proposed Amendments to HB 2456 - Jennings  
House Corrections and Juvenile Justice Committee  
Prepared by: Natalie Scott, Assistant Revisor of Statutes  
January 31, 2018

1 AN ACT concerning children and minors; relating to the revised Kansas  
2 juvenile justice code; overall case length limits; absconders; amending  
3 K.S.A. 2017 Supp. 38-2391 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 2017 Supp. 38-2391 is hereby amended to read as  
7 follows: 38-2391. (a) Upon adjudication as a juvenile offender pursuant to  
8 K.S.A. 2017 Supp. 38-2356, and amendments thereto, modification of  
9 sentence pursuant to K.S.A. 2017 Supp. 38-2367, and amendments thereto,  
10 or violation of a condition of sentence pursuant to K.S.A. 2017 Supp. 38-  
11 2368, and amendments thereto, the court may impose one or more of the  
12 sentencing alternatives under K.S.A. 2017 Supp. 38-2361, and  
13 amendments thereto, for a period of time pursuant to this section and  
14 K.S.A. 2017 Supp. 38-2369, and amendments thereto. The period of time  
15 ordered by the court shall not exceed the overall case length limit.

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

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

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

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

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

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

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

34 (f) Upon expiration of the overall case length limit as defined in  
35 subsection (b), the court's jurisdiction terminates and shall not be  
36 extended.

1 *limits shall not start to run again until the offender is located and brought*  
2 *back to the jurisdiction.*

3 (h) For the purpose of placing juvenile offenders in detention  
4 pursuant to K.S.A. 2017 Supp. 38-2361 and 38-2369, and amendments  
5 thereto, the court shall establish a specific term of detention. The term of  
6 detention shall not exceed the overall case length limit or the cumulative  
7 detention limit. Cumulative detention use shall be limited to a maximum  
8 of 45 days over the course of the juvenile offender's case, except that there  
9 shall be no limit on cumulative detention for juvenile offenders  
10 adjudicated for a felony which, if committed by an adult, would constitute  
11 an off-grid felony or a nondrug severity level 1 through 4 person felony.

12 (i) ~~The provisions of this section shall apply upon disposition or 15~~  
13 ~~days after adjudication, whichever is sooner probation term limits and~~  
14 ~~overall case length limits provided in this section shall begin to run upon~~  
15 ~~entry of the dispositional order in the juvenile offender's case.~~

16 (j) This section shall be part of and supplemental to the revised  
17 Kansas juvenile justice code.

18 Sec. 2. K.S.A. 2017 Supp. 38-2391 is hereby repealed.

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

reinsert stricken  
material

, unless the juvenile fails to appear for such juvenile's  
dispositional hearing. If a juvenile fails to appear to such  
juvenile's dispositional hearing, the probation term limits and  
overall case length limits provided in this section shall not apply  
until the juvenile is brought before the court for disposition in  
such juvenile's case.