

*Session of 2024*

**HOUSE BILL No. 2490**

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

1-10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The court may only extend the overall case length limit two times and each extension shall not exceed 60 days.