

House Substitute for SENATE BILL No. 420

By Committee on Corrections and Juvenile Justice

3-25

1 AN ACT concerning children and minors; relating to juvenile offenders;
2 limiting overall case length limit extensions to 90 days per extension;
3 authorizing the secretary of corrections to allow juvenile offenders to
4 leave a juvenile correctional facility for certain types of programming
5 and educational activities; amending K.S.A. 75-7062 and K.S.A. 2023
6 Supp. 38-2391 and repealing the existing sections.
7

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

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

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

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

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

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

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

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

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

1 (f) Upon expiration of the overall case length limit as defined in
2 subsection (b), the court's jurisdiction terminates and shall not be
3 extended, except as provided in subsection (g)(2).

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

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

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

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

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

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

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

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

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

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

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

28 Sec. 2. K.S.A. 75-7062 is hereby amended to read as follows: 75-
29 7062. (a) All jurisdiction, powers, functions and duties relating to juvenile
30 correctional facilities and institutions as defined in K.S.A. 38-2302, and
31 amendments thereto, are conferred and imposed upon the secretary of
32 corrections to be administered within the department of corrections as
33 provided by K.S.A. 75-7057 through 75-7071, and amendments thereto.

34 (b) The secretary of corrections may adopt rules and regulations for
35 the government, regulation and operation of such institutions. The
36 secretary of corrections may adopt rules and regulations relating to all
37 persons admitted to such ~~institutions~~ *facilities*.

38 (c) The secretary of corrections may enter into an educational
39 services contract with a unified school district, another public educational
40 services provider or a private educational services provider for ~~an~~
41 ~~institution~~ *a facility* pursuant to competitive bids or by negotiation as
42 determined by the secretary of corrections. Each such educational services
43 contract is exempt from the competitive bid requirements of K.S.A. 75-

1 3739, and amendments thereto.

2 (d) *(1) Except as provided in paragraph (2), the secretary of*
3 *corrections shall not issue a pass, furlough or leave to any juvenile placed*
4 *in an institution except as a facility unless needed for such juvenile to*
5 *obtain medical services or to reintegrate such juvenile into the community.*
6 *If any juvenile is issued a pass, furlough or leave, such juvenile shall be*
7 *accompanied by a staff member or other designated adult.*

8 *(2) The secretary of corrections may allow a juvenile to leave the*
9 *facility for employment, job interviews, education, job training or skills*
10 *development classes or programs, treatment programs or any community*
11 *pro-social activity to support risk reduction and reintegration. Such*
12 *juvenile may be allowed to leave the facility without being accompanied*
13 *by a staff member or other designated adult. The secretary shall adopt*
14 *policies and procedures to ensure adequate oversight, supervision and*
15 *accountability of such juveniles.*

16 (e) The secretary of corrections shall implement an ~~institutional~~
17 *facility* security plan designed to prevent escapes and to prohibit
18 contraband and unauthorized access to the ~~institution~~ *facility* and, within
19 the limits of appropriations, construct perimeter fencing as required by the
20 ~~institutional~~ *facility* security plan.

21 (f) The secretary of corrections, by rules and regulations, shall
22 establish a rigid grooming code and shall issue uniforms to juvenile
23 offenders in ~~an institution~~ *a facility*.

24 (g) The Larned juvenile correctional facility shall be under the
25 supervision and control of the secretary of corrections in accordance with
26 K.S.A. 76-3203, and amendments thereto.

27 (h) The Kansas juvenile correctional complex shall be under the
28 supervision and control of the secretary of corrections in accordance with
29 K.S.A. 76-3203, and amendments thereto.

30 (i) The department of corrections shall be the successor in every way
31 to the jurisdiction, powers, duties, and functions of the juvenile justice
32 authority pertaining to the programs and operation of juvenile correctional
33 facilities and institutions. Every act performed in the exercise of such
34 transferred powers, duties, and functions by or under the authority of the
35 department of corrections shall be deemed to have the same force and
36 effect as if performed by the juvenile justice authority in which such
37 powers, duties, and functions were vested prior to ~~the effective date of~~
38 ~~K.S.A. 75-7057 through 75-7071, and amendments thereto~~ *July 1, 2013.*

39 Sec. 3. K.S.A. 75-7062 and K.S.A. 2023 Supp. 38-2391 are hereby
40 repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.