

SESSION OF 2013

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 167**

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

House Sub. for SB 167 would allow the Commissioner of Juvenile Justice to:

- Establish new and innovative community-based programming as an alternative to residential care for juvenile offenders; and
- Establish new standards and performance-based outcomes for residential services, in order to improve the efficacy and efficiency of the residential service system for juvenile offenders and to ensure their criminogenic needs are addressed.

As part of changing any existing program or establishing new programming, the bill would allow the Commissioner to:

- Establish performance measures and standards for each community-based service, including admission and discharge criteria and appropriate lengths of service;
- Establish contractual reporting time lines for each contracted provider to submit data related to performance measures (at least quarterly);

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Establish mechanisms for the longitudinal reporting and tracking of youth to determine both short- and long-term efficacy of the programs;
- Establish evidence-based practices or cognitive behavioral interventions that may be required to be provided by the program;
- Require the use of an evidence-based screening or assessment tool for youth to be eligible for any service; and
- Establish requirements that are more stringent than the licensing standards used by the Department of Health and Environment to be a contract provider.

The bill would require performance measures to have standard definitions established by the Commissioner, and the bill includes a list of potential performance measures. Additionally, the bill would require the Commissioner to report the progress made toward establishing new community based services and performance measures to the House Committee on Corrections and Juvenile Justice and the Senate Committee on Judiciary at the beginning of the 2014 legislative session.

Background

As introduced, the bill would have amended the statute of limitations for rape, aggravated criminal sodomy, and other sexually violent crimes. These provisions also were included in HB 2252, which had passed the House and the Senate at the time of the House Committee action.

In the Senate Judiciary Committee hearing on the original bill, bill co-sponsor Senator Faust-Goudeau; representatives of the Kansas Bureau of Investigation, Kansas Coalition Against Sexual and Domestic Violence, Justice for Survivors, and Sunflower Community Action; and

several private citizens appeared in support of the bill. Representative Victors; representatives of the Kansas Association of Chiefs of Police, Kansas County and District Attorneys Association, Kansas Peace Officers Association, and Kansas Sheriffs' Association; and additional concerned citizens offered written testimony in support of the bill, as introduced. No others offered testimony.

The Senate Committee amended the bill to allow prosecution for aggravated criminal sodomy to be commenced at any time and to allow for prosecution of a sexually violent crime to commence within ten years when the victim is 18 years old or older.

Because HB 2252 passed both the House and the Senate, the House Committee on Corrections and Juvenile Justice did not have a hearing on SB 167, as passed by the Senate. The House Committee recommended a substitute bill for SB 167 be passed, containing language from HB 2208.

Background of HB 2208

HB 2208 was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Howell. As introduced, HB 2208 contained the language substituted into House Sub. for SB 167, as well as language allowing the Commissioner of Juvenile Justice to establish new payment methodologies and payment rates for services to juvenile offenders.

In the House Committee hearing on HB 2208, Representative Howell, a Sedgwick County commissioner, and the director of the Sedgwick County Department of Corrections testified in support of the bill. A representative of the Kansas PTA submitted written testimony supporting the bill. The acting commissioner of the Juvenile Justice Authority submitted written neutral testimony.

The House Committee removed the provisions related to payment methodologies and payment rates and placed the

remaining language of HB 2208 into House Sub. for SB 167.

The fiscal note prepared by the Division of the Budget for HB 2208, as introduced, indicates the fiscal effect of the bill is unknown at this time, as the specific programs, performance measures, and payment methodologies have yet to be planned or created by the Juvenile Justice Authority.