

HOUSE BILL No. 2200

By Committee on Corrections and Juvenile Justice

2-2

Proposed Amendments to HB 2200 - cumulative detention
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 7, 2022

1 AN ACT concerning children and minors; relating to risk and needs
2 assessment for certain children in need of care; allowing for overall
3 case length limit extensions for certain juvenile offenders; requiring the
4 department of corrections to create juvenile justice database systems;
5 increasing use of evidence-based programs account money; amending
6 K.S.A. 75-52,162 and 75-52,164 and K.S.A. 2020 Supp. 38-2203, 38-
7 2304 and 38-2391 and repealing the existing sections.
8

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

10 New Section 1. (a) On or before October 1, 2021, the secretary of
11 corrections and the secretary for children and families shall enter into a
12 memorandum of understanding to coordinate administering a risk and
13 needs assessment, as defined in K.S.A. 2020 Supp. 38-2302, and
14 amendments thereto, to children who have been identified as exhibiting
15 behavior that could lead to offending behavior during the course of a child
16 in need of care proceeding.

17 (b) The memorandum of understanding shall include procedures for
18 allowing children identified pursuant to subsection (a) to participate in
19 evidence-based community programs offered pursuant to K.S.A. 75-
20 52,164, and amendments thereto.

21 (c) A copy of the memorandum of understanding shall be provided to
22 the joint committee on corrections and juvenile justice oversight, the house
23 of representatives standing committee on corrections and juvenile justice
24 and the senate standing committee on judiciary.

25 Sec. 2. K.S.A. 2020 Supp. 38-2203 is hereby amended to read as
26 follows: 38-2203. (a) Proceedings concerning any child who may be a
27 child in need of care shall be governed by this code, except in those
28 instances when the court knows or has reason to know that an Indian child
29 is involved in the proceeding, in which case, the Indian child welfare act of
30 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may
31 apply to: The filing to initiate a child in need of care proceeding, K.S.A.
32 2020 Supp. 38-2234, and amendments thereto; ex parte custody orders,
33 K.S.A. 2020 Supp. 38-2242, and amendments thereto; temporary custody
34 hearing, K.S.A. 2020 Supp. 38-2243, and amendments thereto;
35 adjudication, K.S.A. 2020 Supp. 38-2247, and amendments thereto;
36 burden of proof, K.S.A. 2020 Supp. 38-2250, and amendments thereto;

1 necessary based on the results of a validated risk and needs assessment
2 *and, if necessary, may extend the overall case length limit to allow for*
3 *completion of such program when failure to complete such program is due*
4 *to delay by the juvenile.* The court may also extend the term of probation
5 for good cause shown for one month for low-risk offenders, three months
6 for moderate-risk offenders and six months for high-risk offenders. Prior
7 to extension of the initial probationary term, the court shall find and enter
8 into the written record the criteria permitting extension of probation.
9 Extensions of probation *and the overall case length limit* shall only be
10 granted incrementally ~~and shall not exceed the overall case length limit.~~
11 When the court extends the term of probation for a juvenile offender, the
12 court services officer or community correctional services officer
13 responsible for monitoring such juvenile offender shall record the reason
14 given for extending probation. Court services officers shall report such
15 records to the office of judicial administration, and community
16 correctional services officers shall report such records to the department of
17 corrections. The office of judicial administration and the department of
18 corrections shall report such recorded data to the Kansas juvenile justice
19 oversight committee on a quarterly basis.

20 (3) The probation term limits do not apply to those offenders
21 adjudicated for an offense which, if committed by an adult, would
22 constitute an off-grid crime, rape as defined in K.S.A. 2020 Supp. 21-
23 5503(a)(1), and amendments thereto, aggravated criminal sodomy as
24 defined in K.S.A. 2020 Supp. 21-5504(b)(3), and amendments thereto, or
25 murder in the second degree as defined in K.S.A. 2020 Supp. 21-5403, and
26 amendments thereto. Such offenders may be placed on probation for a
27 term consistent with the overall case length limit.

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

33 (h) For the purpose of placing juvenile offenders in detention
34 pursuant to K.S.A. 2020 Supp. 38-2361 and 38-2369, and amendments
35 thereto, the court shall establish a specific term of detention. The term of
36 detention shall not exceed the overall case length limit or the cumulative
37 detention limit. ~~Cumulative detention use shall be limited to a maximum~~
38 ~~of 45~~ days over the course of the juvenile offender's case, except that there
39 shall be no limit on cumulative detention for juvenile offenders
40 adjudicated for a felony which, if committed by an adult, would constitute
41 an off-grid felony or a nondrug severity level 1 through 4 person felony.

42 (i) The provisions of this section shall apply upon disposition or 15
43 days after adjudication, whichever is sooner, unless the juvenile fails to