

## HOUSE BILL No. 2328

By Committee on Corrections and Juvenile Justice

2-7

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9 AN ACT concerning juvenile offenders; relating to commitment to ju-  
10 venile facilities; amending K.S.A. 38-1671 and repealing the existing  
11 section.  
12

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

14 Section 1. K.S.A. 38-1671 is hereby amended to read as follows: 38-  
15 1671. (a) *Actions by the court.* (1) When a juvenile offender has been  
16 committed to a juvenile correctional facility, the clerk of the court shall  
17 ~~forthwith~~ *within three days* notify the commissioner of the commitment  
18 and provide the commissioner with a certified copy of the complaint, the  
19 journal entry of the trial and the sentence. The court shall also forward  
20 those items from the social file which could relate to a rehabilitative pro-  
21 gram. If the court wishes to recommend placement of the juvenile of-  
22 fender in a specific juvenile correctional facility, the recommendation  
23 shall be included in the sentence. After the court has received notice of  
24 the juvenile correctional facility designated as provided in subsection (b),  
25 it shall be the duty of the court or the sheriff of the county to deliver the  
26 juvenile offender to the facility at the time designated by the  
27 commissioner.

28 (2) When a juvenile offender is residing in a juvenile correctional  
29 facility and is required to go back to court for any reason, the county  
30 demanding the juvenile's presence shall be responsible for transportation,  
31 detention, custody and control of such offender. In these cases, the county  
32 sheriff shall be responsible for all transportation, detention, custody and  
33 control of such offender.

34 (b) ~~*Actions by the commissioner.*~~ (1) ~~After receiving notice of com-~~  
35 ~~mitment as provided in subsection (a), the commissioner shall give the~~  
36 ~~committing court notice designating the juvenile correctional facility to~~  
37 ~~which the juvenile offender is to be admitted and the date of the admis-~~  
38 ~~sion.~~ *Within three days of receipt of the notice provided for in subsection*  
39 *(a), the commissioner shall notify the court or sheriff that has the juvenile*  
40 *offender in custody to convey the juvenile offender immediately to the*  
41 *juvenile justice authority reception and diagnostic unit or, if space is not*  
42 *available at that facility, to some other juvenile correctional facility until*  
43 *space at the reception and diagnostic unit is available. In the case of first*

1 *time juvenile offenders who are conveyed to a juvenile correctional facility*  
2 *other than the reception and diagnostic unit, these juvenile offenders shall*  
3 *be segregated from juvenile offenders who are not being held at that fa-*  
4 *ility pending transfer to the reception and diagnostic unit when space*  
5 *becomes available in it. The transportation, detention, custody and control*  
6 *of a juvenile offender sentenced to a direct commitment to a juvenile cor-*  
7 *rectional facility shall be the responsibility of the committing county until*  
8 *the offender is delivered to the facility designated by the commissioner.*  
9 ~~(c)~~ (c) Except as provided by K.S.A. 38-1691, and amendments  
10 thereto, the commissioner may make any temporary out-of-home place-  
11 ment the commissioner deems appropriate pending placement of the  
12 juvenile offender in a juvenile correctional facility, and the commissioner  
13 shall notify the court, local law enforcement agency and school district in  
14 which the juvenile will be residing if the juvenile is still required to attend  
15 a secondary school of that placement.  
16 ~~(d)~~ (d) *Transfers.* During the time a juvenile offender remains com-  
17 mitted to a juvenile correctional facility, the commissioner may transfer  
18 the juvenile offender from one juvenile correctional facility to another.  
19 Sec. 2. K.S.A. 38-1671 is hereby repealed.  
20 Sec. 3. This act shall take effect and be in force from and after its  
21 publication in the statute book.