

## HOUSE BILL No. 2388

By Committee on Corrections and Juvenile Justice

2-9

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9 AN ACT concerning crimes, punishment and criminal procedure; relat-  
10 ing to racial disproportionality in the juvenile justice system; amending  
11 K.S.A. 2004 Supp. 75-7033 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. The attorney general shall draft and implement stan-  
15 dards for prosecutors to follow in the prosecution of juveniles to reduce  
16 racial disproportionality in the juvenile justice system on the state, county  
17 and local levels.

18 Sec. 2. K.S.A. 2004 Supp. 75-7033 is hereby amended to read as  
19 follows: 75-7033. ~~On and after July 1, 1997.~~

20 (a) In order to provide technical assistance to communities, help fa-  
21 cilitate community collaboration and assist in coordinating a statewide  
22 system of community based service providers, pursuant to K.S.A. 75-  
23 7024, and amendments thereto, the commissioner of juvenile justice shall  
24 appoint a community planning team convener and a community planning  
25 team facilitator in each judicial district. The commissioner may appoint a  
26 convener and facilitator for a multiple district planning team, if, in the  
27 commissioner's opinion, such multiple district planning team best fur-  
28 thers the purposes of the juvenile justice reform act. The convener and  
29 facilitator may be compensated by the grant funds. Upon request of the  
30 board of county commissioners of any county, the commissioner of ju-  
31 venile justice may authorize such county to cooperate as a member of a  
32 community planning team in a judicial district other than the judicial  
33 district in which such county is located. If the corporate limits of a city  
34 extend into more than one judicial district and upon request of the board  
35 of county commissioners of any county in which such city is located, the  
36 commissioner of juvenile justice may authorize such city to participate as  
37 a member of a community planning team of and be included in the plan  
38 for the judicial district in which the majority of the population of such  
39 city is located.

40 (b) The community planning team convener shall invite representa-  
41 tives from the following groups and agencies to be a part of the com-  
42 munity planning team: The courts, court services, public education, ju-  
43 venile community correctional services, the county or district attorney,

1 the public defender's office or private defense counsel, law enforcement,  
2 juvenile detention, prevention services, health care professionals, mental  
3 health services, juvenile intake and assessment, municipal officials, county  
4 officials, private service providers, the department of social and rehabil-  
5 itation services, the business community, the religious community, youth  
6 and such other representatives as the convener and commissioner deem  
7 necessary. The community planning team convener may invite the entire  
8 membership of the corrections advisory board, as established in K.S.A.  
9 75-5297, and amendments thereto, and the juvenile corrections advisory  
10 board, as established by K.S.A. 75-7044, and amendments thereto, to be  
11 a part of the community planning team.

12 (c) The commissioner, or the commissioner's designee shall serve as  
13 an ex officio member of each community planning team.

14 (d) All proceedings of the community planning team and any com-  
15 mittee or subcommittee of the team shall be open to the public in ac-  
16 cordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320,  
17 inclusive, and amendments thereto. The records of the community plan-  
18 ning team shall be open to public inspection at all reasonable times.

19 (e) ~~Between July 1, 1997, and June 30, 1999,~~ The community plan-  
20 ning team shall engage in strategic planning to develop programs, services  
21 and placement options as are necessary and appropriate for each judicial  
22 district's juvenile justice program consistent with planning guidelines de-  
23 veloped by the commissioner. The commissioner shall design the plan-  
24 ning process to empower communities to develop community-based pro-  
25 grams, services and placements sufficient to address juvenile crime and  
26 to appropriately provide programs and services to prevent juvenile crime.  
27 The commissioner shall develop an action plan to guide implementation  
28 of community planning. The action plan shall establish a schedule for the  
29 planning process and shall clearly state desired outcomes of the planning  
30 process. Before implementation of the community planning process, the  
31 commissioner shall submit the proposed action plan to the joint commit-  
32 tee on corrections and juvenile justice oversight for review. The commis-  
33 sioner shall also provide such committee with regular progress reports on  
34 the status of the planning process. The primary purposes of the com-  
35 munity planning process shall be to:

36 (1) Foster collaboration among stakeholders in the juvenile justice  
37 system;

38 (2) accurately assess community risk factors affecting juveniles;

39 (3) determine community priorities to respond to juvenile crime and  
40 the risk factors affecting juveniles;

41 (4) develop programs, services and placements, with sufficient ca-  
42 pacity, to appropriately hold juvenile offenders in the community ac-  
43 countable for behavior which violates the law;

- 1 (5) provide communities with assistance in developing juvenile justice  
2 programs which respond to community needs and priorities and which  
3 are capable of achieving desired outcomes, and in identifying resources  
4 necessary to provide such programs;
- 5 (6) encourage the staffing of juvenile justice programs with appro-  
6 priately trained personnel; and
- 7 (7) provide communities with technical assistance, as needed, to  
8 achieve desired planning outcomes; *and*
- 9 (8) *examine the effectiveness of juvenile justice programs in reducing*  
10 *racial disproportionality.*
- 11 (f) *Each judicial district shall implement programs to reduce racial*  
12 *disproportionality. Each district shall also submit an annual report to the*  
13 *commissioner regarding the implementation of these programs according*  
14 *to the commissioner's requirements. The commissioner shall compile this*  
15 *information into a single annual report to be submitted to the legislature*  
16 *on February 1.*
- 17 (g) *The commissioner shall investigate the effectiveness of programs*  
18 *implemented to reduce racial disproportionality in judicial districts with*  
19 *high levels of disproportionality. The commissioner's analysis shall indi-*  
20 *cate which programs are cost effective in reducing disproportionality in*  
21 *areas such as alternatives to detention, intake and assessment procedures,*  
22 *alternatives to incarceration and the prosecution and adjudication of*  
23 *juveniles.*
- 24 ~~(h)~~ (h) The commissioner shall provide training and expertise for com-  
25 munities during the strategic planning process of the community planning  
26 team.
- 27 ~~(g)~~ (i) On July 1, 1999, each judicial district, multiple judicial district  
28 or judicial districts and cities and counties cooperating pursuant to sub-  
29 section (a) shall have developed and be prepared to implement a juvenile  
30 justice program. On or before June 30, 1999, such program shall be ac-  
31 credited by the commissioner pursuant to rules and regulations adopted  
32 by the commissioner.
- 33 ~~(h)~~ (j) Each juvenile justice program shall include, but not be limited  
34 to, local prevention services, juvenile intake and assessment, juvenile de-  
35 tention and attendant care, immediate intervention programs, aftercare  
36 services, graduated sanctions programs, probation programs, conditional  
37 release programs, sanctions for violations of probation terms or programs,  
38 sanctions for violations of conditional release programs and out-of-home  
39 placements.
- 40 ~~(i)~~ (k) Each juvenile justice program shall demonstrate that in the  
41 judicial district is a continuum of community based placement options  
42 with sufficient capacity to accommodate community needs.
- 43 ~~(j)~~ (l) Each juvenile justice program shall participate in the juvenile

1 justice information system, intake and assessment system and the utili-  
2 zation of a standardized risk assessment data.

3 ~~(k)~~ (m) (1) There is hereby created in the state treasury a juvenile  
4 justice community planning fund. Money credited to the fund shall be  
5 used solely for the purpose of making grants to community planning  
6 teams, as established in this section, to assist with the community planning  
7 process of determining juvenile justice programs for the judicial district.

8 (2) All expenditures from the juvenile justice community planning  
9 fund shall be made in accordance with appropriations acts upon warrants  
10 of the director of accounts and reports issued pursuant to vouchers ap-  
11 proved by the commissioner of juvenile justice or by a person or persons  
12 designated by the commissioner.

13 (3) The commissioner of juvenile justice may apply for, receive and  
14 accept money from any source for the purposes for which money in the  
15 juvenile justice community planning fund may be expended. Upon receipt  
16 of any such money, the commissioner shall remit the entire amount to  
17 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
18 and amendments thereto. Upon receipt of each such remittance, the state  
19 treasurer shall deposit the entire amount in the state treasury to the credit  
20 of the juvenile justice community planning fund.

21 (4) On or before the 10th of each month, the director of accounts  
22 and reports shall transfer from the state general fund to the juvenile  
23 justice community planning fund interest earnings based on:

24 (A) The average daily balance of moneys in the juvenile justice com-  
25 munity planning fund for the preceding month; and

26 (B) the net earnings rate of the pooled money investment portfolio  
27 for the preceding month.

28 ~~(l)~~ (n) (1) There is hereby created in the state treasury a juvenile  
29 justice community initiative fund. Money credited to the fund shall be  
30 used solely for the purpose of making grants to communities to assist in  
31 supporting field services, case management services and juvenile justice  
32 programs, services and placements in the judicial district.

33 (2) All expenditures from the juvenile justice community initiative  
34 fund shall be made in accordance with appropriations acts upon warrants  
35 of the director of accounts and reports issued pursuant to vouchers ap-  
36 proved by the commissioner of juvenile justice or by a person or persons  
37 designated by the commissioner.

38 (3) The commissioner of juvenile justice may apply for, receive and  
39 accept money from any source for the purposes for which money in the  
40 juvenile justice community initiative fund may be expended. Upon receipt  
41 of any such money, the commissioner shall remit the entire amount to  
42 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
43 and amendments thereto. Upon receipt of each such remittance, the state

1 treasurer shall deposit the entire amount in the state treasury to the credit  
2 of the juvenile justice community initiative fund.

3 (4) On or before the 10th of each month, the director of accounts  
4 and reports shall transfer from the state general fund to the juvenile  
5 justice community initiative fund interest earnings based on:

6 (A) The average daily balance of moneys in the juvenile justice com-  
7 munity initiative fund for the preceding month; and

8 (B) the net earnings rate of the pooled money investment portfolio  
9 for the preceding month.

10 (5) *The commissioner may withhold the funding of a juvenile justice*  
11 *program if, in the commissioner's determination, the program has not*  
12 *implemented effective programs to reduce racial disproportionality.*

13 Sec. 3. K.S.A. 2004 Supp. 75-7033 is hereby repealed.

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