

SENATE BILL No. 201

By Committee on Judiciary

2-4

9 AN ACT concerning juveniles; relating to the detention thereof; amend-
10 ing K.S.A. 38-1691 and repealing the existing section.

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

13 Section 1. K.S.A. 38-1691 is hereby amended to read as follows: 38-
14 1691. (a) ~~On and after January 1, 1993,~~ No juvenile shall be detained or
15 placed in any jail pursuant to the Kansas juvenile justice code except as
16 provided by subsections (b), (c) and (d).

17 (b) Upon being taken into custody, an alleged juvenile offender may
18 be detained temporarily in a jail, in quarters with sight and sound separa-
19 tion from adult prisoners, for the purpose of identifying and processing
20 the juvenile and transferring the juvenile to a youth residential facility or
21 juvenile detention facility. If a juvenile is detained in jail under this sub-
22 section, the juvenile shall be detained only for the minimum time nec-
23 essary, not to exceed six hours, and in no case overnight.

24 (c) The provisions of this section shall not apply to detention of a
25 juvenile:

26 (1) (A) Against whom a motion has been filed requesting prosecution
27 as an adult pursuant to K.S.A. 38-1636, and amendments thereto; ~~and~~
28 (B) who has received the benefit of a detention hearing pursuant to K.S.A.
29 38-1640, and amendments thereto; *and (C) who, on the record, has*
30 *waived the right to a hearing on the motion requesting prosecution as an*
31 *adult filed pursuant to K.S.A. 38-1636, and amendments thereto;*

32 (2) whose prosecution as an adult or classification as an extended
33 jurisdiction juvenile has been authorized pursuant to K.S.A. 38-1636, and
34 amendments thereto; or

35 (3) who has been convicted previously as an adult under the code of
36 criminal procedure or the criminal laws of another state or foreign
37 jurisdiction.

38 (d) The provisions of this section shall not apply to the detention of
39 any person 18 years of age or more who is taken into custody and is being
40 prosecuted in accordance with the provisions of the Kansas juvenile jus-
41 tice code.

42 (e) The Kansas juvenile justice authority or the authority's contractor
43 shall have authority to review jail records to determine compliance with

1 the provisions of this section.

2 (f) This section shall be part of and supplemental to the Kansas ju-
3 venile justice code.

4 Sec. 2. K.S.A. 38-1691 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.