

HOUSE BILL No. 2724

By Committee on Federal and State Affairs

1-25

9 AN ACT concerning juvenile justice; relating to racial disproportionality;
10 creating the Kansas commission on juvenile justice; amending K.S.A.
11 2005 Supp. 75-7033 and repealing the existing section.
12

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

14 New Section 1. (a) There is hereby established the Kansas commis-
15 sion on juvenile justice.

16 (b) Subject to appropriations therefor, the commission shall:

17 (1) Develop standards and criteria to be considered in the adjudica-
18 tion of juvenile cases; including arrest, prosecution, detention, release and
19 probation of juveniles in the state. The standards and criteria shall apply
20 when making decisions regarding juvenile intake and assessment, juvenile
21 detention and attendant care, immediate intervention programs, aftercare
22 services, graduated sanction, probation, conditional release, sanctions for
23 violations of probation, terms or program, sanctions for violations of con-
24 ditional release programs or out of home placement. The standards shall
25 be based on fairness and equity and shall provide a mechanism for linking
26 justice with efforts to educate, rehabilitate and redirect juveniles. The
27 standards shall establish rational and consistent criteria which reduce dis-
28 parities in the adjudication of juveniles, including but not limited to, racial
29 and regional biases which may exist. In developing the standards and
30 criteria, the commission shall take into consideration current practices
31 established by law enforcement agencies, the courts, the juvenile justice
32 authority, other state agencies and schools. The commission shall also
33 consider standards, criteria, guidelines and practices recommended by
34 national experts;

35 (2) consult with and advise law enforcement agencies, courts, the
36 juvenile justice authority and the legislature regarding the implementa-
37 tion and operations of the guidelines and criteria;

38 (3) direct implementation of the use of the standards and criteria;

39 (4) assist in the process of training judges, county and district attor-
40 neys, court service officers and others involved in the adjudication of
41 juveniles. For these purposes, the commission shall develop an imple-
42 mentation policy and shall construct an implementation manual for use
43 in its training activities;

- 1 (5) receive statistical reports from the juvenile justice authority for
2 review and analysis of patterns in juvenile adjudications. Utilize juvenile
3 justice authority data and reports in the development of standards and
4 criteria for judges to use in the rational and consistent sentencing to
5 reduce sentence disparities, including racial and regional biases;
- 6 (6) develop prosecutorial standards and criteria to govern the conduct
7 of prosecutors when charging juveniles with crimes and when considering
8 diversion, probation, restitution or other related resolutions to juvenile
9 cases;
- 10 (7) analyze problems in juvenile justice, identify alternative solutions
11 and make recommendations for improvement in the treatment and care
12 of juveniles in prosecution, correctional and community placement, pro-
13 grams, education, release procedures and programs and related matters;
14 and
- 15 (8) perform such other juvenile justice studies or tasks as may be
16 assigned by the governor or specifically requested by the legislature or
17 by the commissioner of juvenile justice.
- 18 New Sec. 2. (a) The Kansas commission on juvenile justice shall con-
19 sist of 17 members as follows:
- 20 (1) One appellate judge appointed by the chief justice of the supreme
21 court;
- 22 (2) four district court judges, one from each congressional district
23 with experience in the adjudication of juvenile cases, appointed by the
24 chief justice of the supreme court;
- 25 (3) one court service officer or juvenile court administrator appointed
26 by the chief justice of the supreme court;
- 27 (4) one public defender with significant experience or expertise in
28 the representation of juvenile clients appointed by the governor;
- 29 (5) one private defense counsel with significant experience or exper-
30 tise in the representation of juveniles appointed by the governor;
- 31 (6) one county or district attorney appointed by the governor;
- 32 (7) the commissioner of the juvenile justice authority or the commis-
33 sioners' designee;
- 34 (8) the secretary of the department of social and rehabilitation serv-
35 ices or the secretary's designee; and
- 36 (9) two members of the general public, at least one of whom shall be
37 a member of a racial minority group, appointed by the governor. Not
38 more than three members appointed by the governor shall be of the same
39 political party.
- 40 (b) In addition to the members appointed pursuant to subsection (a),
41 four persons shall be appointed with significant experience or expertise
42 with juvenile programs or community organizations which specialize in
43 programs to assist juveniles. Such members shall be appointed as follows:

1 One shall be appointed by the president of the senate, one shall be ap-
2 pointed by the minority leader of the senate, one shall be appointed by
3 the speaker of the house of representatives and one shall be appointed
4 by the minority leader of the house of representatives.

5 (c) The governor shall appoint a chairperson from the five district
6 court judges appointed by the chief justice of the supreme court.

7 (d) The commission shall meet upon the call of its chairperson as
8 necessary to carry out its duties under the act.

9 (e) Each appointed member of the commission shall be appointed
10 for a term of three years and shall continue to serve during that time as
11 long as the member occupies the position which made the member eli-
12 gible for appointment. Each member shall continue in office until a suc-
13 cessor is appointed and qualifies. Members shall be eligible for reappoint-
14 ment and appointment may be made to fill an unexpired term.

15 (f) Each member of the commission shall receive compensation, sub-
16 sistence allowances, mileage and other expenses as provided for in K.S.A.
17 75-3223, and amendments thereto, except that the public members of
18 the commission shall receive compensation in the amount provided for
19 legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each
20 day or part thereof actually spent on commission activities.

21 New Sec. 3. The Kansas commission on juvenile justice shall appoint
22 an executive director and such staff as necessary to perform such duties
23 as directed by the commission. The staff of the commission shall be in
24 the classified service under the Kansas civil service act and shall receive
25 compensation fixed by the commission with the approval of the governor.
26 The staff shall receive reimbursement of all actual and necessary expenses
27 incurred in the performance of their official duties.

28 New Sec. 4. The Kansas commission on juvenile justice shall submit
29 its interim report and proposed standards and criteria to the legislature
30 on or before February 1, 2008. A final report and recommended guide-
31 lines shall be submitted on the commencement of the 2009 legislative
32 session.

33 New Sec. 5. In addition to its duties under section 1, and amend-
34 ments thereto, the Kansas commission on juvenile justice shall receive,
35 administer and expend any funds available to carry out the purposes of
36 this act.

37 Sec. 6. K.S.A. 2005 Supp. 75-7033 is hereby amended to read as
38 follows: 75-7033. ~~On and after July 1, 1997:~~

39 (a) In order to provide technical assistance to communities, help fa-
40 cilitate community collaboration and assist in coordinating a statewide
41 system of community based service providers, pursuant to K.S.A. 75-
42 7024, and amendments thereto, the commissioner of juvenile justice shall
43 appoint a community planning team convener and a community planning

1 team facilitator in each judicial district. The commissioner may appoint a
2 convener and facilitator for a multiple district planning team, if, in the
3 commissioner's opinion, such multiple district planning team best fur-
4 thers the purposes of the juvenile justice reform act. The convener and
5 facilitator may be compensated by the grant funds. Upon request of the
6 board of county commissioners of any county, the commissioner of ju-
7 venile justice may authorize such county to cooperate as a member of a
8 community planning team in a judicial district other than the judicial
9 district in which such county is located. If the corporate limits of a city
10 extend into more than one judicial district and upon request of the board
11 of county commissioners of any county in which such city is located, the
12 commissioner of juvenile justice may authorize such city to participate as
13 a member of a community planning team of and be included in the plan
14 for the judicial district in which the majority of the population of such
15 city is located.

16 (b) The community planning team convener shall invite representa-
17 tives from the following groups and agencies to be a part of the com-
18 munity planning team: The courts, court services, public education, ju-
19 venile community correctional services, the county or district attorney,
20 the public defender's office or private defense counsel, law enforcement,
21 juvenile detention, prevention services, health care professionals, mental
22 health services, juvenile intake and assessment, municipal officials, county
23 officials, private service providers, the department of social and rehabil-
24 itation services, the business community, the religious community, youth
25 and such other representatives as the convener and commissioner deem
26 necessary. The community planning team convener may invite the entire
27 membership of the corrections advisory board, as established in K.S.A.
28 75-5297, and amendments thereto, and the juvenile corrections advisory
29 board, as established by K.S.A. 75-7044, and amendments thereto, to be
30 a part of the community planning team.

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

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

38 ~~(e) Between July 1, 1997, and June 30, 1999,~~ The community plan-
39 ning team shall engage in strategic planning to develop programs, services
40 and placement options as are necessary and appropriate for each judicial
41 district's juvenile justice program consistent with planning guidelines de-
42 veloped by the commissioner. The commissioner shall design the plan-
43 ning process to empower communities to develop community-based pro-

1 grams, services and placements sufficient to address juvenile crime and
2 to appropriately provide programs and services to prevent juvenile crime.
3 The commissioner shall develop an action plan to guide implementation
4 of community planning. The action plan shall establish a schedule for the
5 planning process and shall clearly state desired outcomes of the planning
6 process. Before implementation of the community planning process, the
7 commissioner shall submit the proposed action plan to the ~~joint commit-~~
8 ~~tee on corrections and Kansas commission on juvenile justice oversight~~
9 for review. The commissioner shall also provide such ~~committee com-~~
10 ~~mission~~ with regular progress reports on the status of the planning pro-
11 cess. The primary purposes of the community planning process shall be
12 to:

- 13 (1) Foster collaboration among stakeholders in the juvenile justice
14 system;
- 15 (2) accurately assess community risk factors affecting juveniles;
- 16 (3) determine community priorities to respond to juvenile crime and
17 the risk factors affecting juveniles;
- 18 (4) develop programs, services and placements, with sufficient ca-
19 pacity, to appropriately hold juvenile offenders in the community ac-
20 countable for behavior which violates the law;
- 21 (5) provide communities with assistance in developing juvenile justice
22 programs which respond to community needs and priorities and which
23 are capable of achieving desired outcomes, and in identifying resources
24 necessary to provide such programs;
- 25 (6) encourage the staffing of juvenile justice programs with appro-
26 priately trained personnel; and
- 27 (7) provide communities with technical assistance, as needed, to
28 achieve desired planning outcomes; *and*
- 29 (8) *examine the effectiveness of juvenile justice programs in reducing*
30 *racial disproportionality.*
- 31 (f) *Each judicial district shall implement programs to reduce racial*
32 *disproportionality. Each district shall also submit an annual report to the*
33 *judicial administrator regarding the implementation of these programs*
34 *according to the commissioner's requirements. The judicial administrator*
35 *shall compile this information into a single annual report to be submitted*
36 *to the commissioner by August 1 annually. The Kansas bureau of inves-*
37 *tigation shall submit to the commissioner by August 1 annually a report*
38 *showing by jurisdiction and race, the number of juvenile arrests, prose-*
39 *cutions, diversions and declinations to prosecute reported to the bureau*
40 *for the period July 1 through June 30 of the preceding year.*
- 41 (g) *The commissioner shall investigate the effectiveness of programs*
42 *implemented to reduce racial disproportionality in judicial districts with*
43 *high levels of disproportionality. The commissioner's analysis shall indi-*

1 *cate which programs are cost effective in reducing disproportionality in*
2 *areas such as alternatives to detention, intake and assessment procedures,*
3 *alternatives to incarceration and the prosecution and adjudication of ju-*
4 *veniles. The commissioner shall provide a report of this analysis to the*
5 *legislature and to the Kansas commission on juvenile justice by February*
6 *1 annually.*

7 ~~(g)~~ (h) The commissioner shall provide training and expertise for com-
8 munities during the strategic planning process of the community planning
9 team.

10 ~~(g)~~ (i) *The commissioner of juvenile justice shall appoint a planning*
11 *team coordinator to assist the planning teams, conveners and facilitators*
12 *in each district, and to assure the continuous function and operation of*
13 *the planning teams throughout the state. The planning team coordinator*
14 *shall also serve as the liaison to the Kansas commission on juvenile justice*
15 *and provide technical assistance to the planning teams in the implemen-*
16 *tation of standards and criteria set by the juvenile justice commission.*

17 (j) On July 1, 1999, each judicial district, multiple judicial district or
18 judicial districts and cities and counties cooperating pursuant to subsec-
19 tion (a) shall have developed and be prepared to implement a juvenile
20 justice program. On or before June 30, 1999, such program shall be ac-
21 credited by the commissioner pursuant to rules and regulations adopted
22 by the commissioner.

23 ~~(h)~~ (k) Each juvenile justice program shall include, but not be limited
24 to, local prevention services, juvenile intake and assessment, juvenile de-
25 tention and attendant care, immediate intervention programs, aftercare
26 services, graduated sanctions programs, probation programs, conditional
27 release programs, sanctions for violations of probation terms or programs,
28 sanctions for violations of conditional release programs and out-of-home
29 placements.

30 ~~(i)~~ (l) Each juvenile justice program shall demonstrate that in the
31 judicial district is a continuum of community based placement options
32 with sufficient capacity to accommodate community needs.

33 ~~(j)~~ (m) Each juvenile justice program shall participate in the juvenile
34 justice information system, intake and assessment system and the utili-
35 zation of a standardized risk assessment data.

36 ~~(k)~~ (n) (1) There is hereby created in the state treasury a juvenile
37 justice community planning fund. Money credited to the fund shall be
38 used solely for the purpose of making grants to community planning
39 teams, as established in this section, to assist with the community planning
40 process of determining juvenile justice programs for the judicial district.

41 (2) All expenditures from the juvenile justice community planning
42 fund shall be made in accordance with appropriations acts upon warrants
43 of the director of accounts and reports issued pursuant to vouchers ap-

1 proved by the commissioner of juvenile justice or by a person or persons
2 designated by the commissioner.

3 (3) The commissioner of juvenile justice may apply for, receive and
4 accept money from any source for the purposes for which money in the
5 juvenile justice community planning fund may be expended. Upon receipt
6 of any such money, the commissioner shall remit the entire amount to
7 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
8 and amendments thereto. Upon receipt of each such remittance, the state
9 treasurer shall deposit the entire amount in the state treasury to the credit
10 of the juvenile justice community planning fund.

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

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

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

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

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

28 (3) The commissioner of juvenile justice may apply for, receive and
29 accept money from any source for the purposes for which money in the
30 juvenile justice community initiative fund may be expended. Upon receipt
31 of any such money, the commissioner shall remit the entire amount to
32 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
33 and amendments thereto. Upon receipt of each such remittance, the state
34 treasurer shall deposit the entire amount in the state treasury to the credit
35 of the juvenile justice community initiative fund.

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

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

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

43 (5) *The commissioner may withhold the funding of a juvenile justice*

1 *program if, in the commissioner's determination, the program has not*
2 *implemented effective programs to reduce racial disproportionality.*
3 Sec. 7. K.S.A. 2005 Supp. 75-7033 is hereby repealed.
4 Sec. 8. This act shall take effect and be in force from and after its
5 publication in the statute book.