

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2456

By Joint Committee on Corrections and Juvenile Justice Oversight

1-10

1 AN ACT concerning children and minors; relating to the revised Kansas
2 juvenile justice code; overall case length limits; absconders; amending
3 K.S.A. 2017 Supp. 38-2391 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2017 Supp. 38-2391 is hereby amended to read as
7 follows: 38-2391. (a) Upon adjudication as a juvenile offender pursuant to
8 K.S.A. 2017 Supp. 38-2356, and amendments thereto, modification of
9 sentence pursuant to K.S.A. 2017 Supp. 38-2367, and amendments thereto,
10 or violation of a condition of sentence pursuant to K.S.A. 2017 Supp. 38-
11 2368, and amendments thereto, the court may impose one or more of the
12 sentencing alternatives under K.S.A. 2017 Supp. 38-2361, and
13 amendments thereto, for a period of time pursuant to this section and
14 K.S.A. 2017 Supp. 38-2369, and amendments thereto. The period of time
15 ordered by the court shall not exceed the overall case length limit.

16 (b) Except as provided in subsection (c), the overall case length limit
17 shall be calculated based on the adjudicated offense and the results of a
18 risk and needs assessment, as follows:

19 (1) Offenders adjudicated for a misdemeanor may remain under the
20 jurisdiction of the court for up to 12 months;

21 (2) low-risk and moderate-risk offenders adjudicated for a felony may
22 remain under court jurisdiction for up to 15 months; and

23 (3) high-risk offenders adjudicated for a felony may remain under
24 court jurisdiction for up to 18 months.

25 (c) There shall be no overall case length limit for a juvenile
26 adjudicated for a felony which, if committed by an adult, would constitute
27 an off-grid felony or a nondrug severity level 1 through 4 person felony.

28 (d) When a juvenile is adjudicated for multiple counts, the maximum
29 overall case length shall be calculated based on the most severe
30 adjudicated count or any other adjudicated count at the court's discretion.
31 The court shall not run multiple adjudicated counts consecutively.

32 (e) When the juvenile is adjudicated for multiple cases
33 simultaneously, the court shall run those cases concurrently.

34 (f) Upon expiration of the overall case length limit as defined in
35 subsection (b), the court's jurisdiction terminates and shall not be
36 extended.

1 (g) (1) For the purposes of placing juvenile offenders on probation
2 pursuant to K.S.A. 2017 Supp. 38-2361, and amendments thereto, the
3 court shall establish a specific term of probation as specified in this
4 subsection based on the most serious adjudicated count in combination
5 with the results of a risk and needs assessment, as follows, except that the
6 term of probation shall not exceed the overall case length limit:

7 (A) Low-risk and moderate-risk offenders adjudicated for a
8 misdemeanor and low-risk offenders adjudicated for a felony may be
9 placed on probation for a term up to six months;

10 (B) high-risk offenders adjudicated for a misdemeanor and moderate-
11 risk offenders adjudicated for a felony may be placed on probation for a
12 term up to nine months; *and*

13 (C) high-risk offenders adjudicated for a felony may be placed on
14 probation for a term up to 12 months.

15 (2) The court may extend the term of probation if a juvenile needs
16 time to complete an evidence-based program as determined to be
17 necessary based on the results of a validated risk and needs assessment.
18 The court may also extend the term of probation for good cause shown for
19 one month for low-risk offenders, three months for moderate-risk
20 offenders and six months for high-risk offenders. Prior to extension of the
21 initial probationary term, the court shall find and enter into the written
22 record the criteria permitting extension of probation. Extensions of
23 probation shall only be granted incrementally and shall not exceed the
24 overall case length limit. When the court extends the term of probation for
25 a juvenile offender, the court services officer or community correctional
26 services officer responsible for monitoring such juvenile offender shall
27 record the reason given for extending probation. Court services officers
28 shall report such records to the office of judicial administration, and
29 community correctional services officers shall report such records to the
30 department of corrections. The office of judicial administration and the
31 department of corrections shall report such recorded data to the Kansas
32 juvenile justice oversight committee on a quarterly basis.

33 (3) The probation term limits do not apply to those offenders
34 adjudicated for an offense which, if committed by an adult, would
35 constitute an off-grid crime, rape as defined in K.S.A. 2017 Supp. 21-
36 5503(a)(1), and amendments thereto, aggravated criminal sodomy as
37 defined in K.S.A. 2017 Supp. 21-5504(b)(3), and amendments thereto, or
38 murder in the second degree as defined in K.S.A. 2017 Supp. 21-5403, and
39 amendments thereto. Such offenders may be placed on probation for a
40 term consistent with the overall case length limit.

41 (4) The probation term limits and overall case length limits provided
42 in this section shall be tolled during any time that the offender has
43 absconded from supervision while on probation, *and the time on such*

1 *limits shall not start to run again until the offender is located and brought*
2 *back to the jurisdiction.*

3 (h) For the purpose of placing juvenile offenders in detention
4 pursuant to K.S.A. 2017 Supp. 38-2361 and 38-2369, and amendments
5 thereto, the court shall establish a specific term of detention. The term of
6 detention shall not exceed the overall case length limit or the cumulative
7 detention limit. Cumulative detention use shall be limited to a maximum
8 of 45 days over the course of the juvenile offender's case, except that there
9 shall be no limit on cumulative detention for juvenile offenders
10 adjudicated for a felony which, if committed by an adult, would constitute
11 an off-grid felony or a nondrug severity level 1 through 4 person felony.

12 ~~(i) The provisions of this section shall apply upon disposition or 15~~
13 ~~days after adjudication, whichever is sooner *probation term limits and*~~
14 ~~*overall case length limits provided in this section shall begin to run upon*~~
15 ~~*entry of the dispositional order in the juvenile offender's case*~~ **provisions**
16 **of this section shall apply upon disposition or 15 days after**
17 **adjudication, whichever is sooner, unless the juvenile fails to appear**
18 **for such juvenile's dispositional hearing. If a juvenile fails to appear at**
19 **such juvenile's dispositional hearing, the probation term limits and**
20 **overall case length limits provided in this section shall not apply until**
21 **the juvenile is brought before the court for disposition in such**
22 **juvenile's case.**

23 (j) This section shall be part of and supplemental to the revised
24 Kansas juvenile justice code.

25 Sec. 2. K.S.A. 2017 Supp. 38-2391 is hereby repealed.

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