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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 8, 2023

Subject: Bill Brief on HB 2021

House Bill 2021, As Amended by House Committee, allows evidence-based programs account money to be used on more children, requires the department of corrections to build data systems and allows the juvenile overall case length limit to be extended for certain juvenile offenders.

Section 1 enacts a new section of law to require that the secretary of corrections and the secretary for children and families enter into a memorandum of understanding to coordinate administering a risk and needs assessment to children who have been identified as exhibiting behavior that could lead to offender behavior during the course of a child in need of care proceeding. Such memorandum of understanding shall include procedures for allowing identified children to participate in evidence-based community programs offered by the department of corrections. A copy of the memorandum of understanding is required to be provided to the joint committee on corrections and juvenile justice oversight, the house committee on corrections and juvenile justice and the senate committee on judiciary.

Section 2 amends K.S.A. 38-2203, which is the jurisdiction statute in the revised Kansas code for care of children. This statute is amended to provide that if a child is eligible to receive services from the department for children and families, the department of corrections or the judicial branch, those agencies shall collaborate to provide such services. Nothing in the subsection precludes the child from accessing services provided by the Kansas department for children and families, the department of corrections, the judicial branch or any other state agency if the child is otherwise eligible for services.

Section 3 amends K.S.A. 38-2304, which is the jurisdiction statute in the revised Kansas juvenile justice code, to remove a provision requiring the secretary for children and families to collaborate with the department of corrections to furnish services ordered in a child in need of care proceeding during the time the child is in a placement ordered under the juvenile justice code and replace it with a provision identical to the provision added to the child in need of care code in Section 2.

Section 4 amends K.S.A. 38-2361, the statute that provides the sentencing alternatives for juveniles who are adjudicated as juvenile offenders. Under current law, when a juvenile is committed to detention, cumulative detention over the course of the juvenile's case cannot exceed 45 days. This bill changes that cumulative detention cap to 90 days.

Section 5 amends K.S.A. 38-2391, which is the statute that provides for overall case length and probation length limits for juvenile offenders. The statute is amended to provide that the court may extend the overall case length limit to allow for completion of an evidence-based program when failure to complete the program is due to delay by the juvenile.

Section 6 amends K.S.A. 38-2392 to provide that when a juvenile is placed on probation, a judge may commit the juvenile to detention for a probation violation, including a technical violation, and for contempt of court. The bill as introduced would have specifically included detention for a technical violation, but the amendment adopted by the House Committee in this section removed the phrase "including a technical violation." The length of time that a juvenile may be committed to detention is 24 hours for a first violation, 48 hours for a second violation, and 15 days for a third or subsequent violation.

Section 7 amends K.S.A. 75-52,162, which is the statute that requires the department of corrections and the Kansas juvenile justice oversight committee to explore methods of exchanging confidential data between all parts of the juvenile justice system. The statute is amended to require the department of corrections, prior to July 1, 2025, to develop a system to facilitate the exchanging of confidential data. The department is required to report to the joint committee on corrections and juvenile justice oversight, the house committee on corrections and juvenile justice, the house committee on appropriations, the senate committee on judiciary and the senate committee on ways and means on the progress of development on or before the first day of the 2024 regular session.

The amendment adopted by the House Committee in this section allows the department to contract with another entity to provide an electronic record system that is not maintained by the department and requires the system to include a verification system that is operated by the department for the purpose of verifying the authenticity and validity of electronic records.

Section 8 amends K.S.A. 75-52,164, which is the statute that creates the evidence-based programs account of the state general fund. Current law allows expenditures from the fund for the development and implementation of evidence-based community programs and practices for juvenile offenders, juveniles experiencing mental health crisis and their families. This bill expands that list to include children who have been administered a risk and needs assessment and have been identified as needing services pursuant to Section 1. These programs are currently able to be administered by community supervision offices, including but not limited to, juvenile intake and assessment, court services, community corrections and juvenile crisis intervention centers. This bill expands that list to include community mental health centers and any other community-based service provider offering evidence-based community programs.

Subsection (e) requires the secretary of corrections to develop and implement a grant program with the goal of implementing evidence-based community programs throughout the state. Any provider of evidence-based community programs for juveniles may apply for the grant. The grant program shall give priority to any county that demonstrates a low availability of evidence-based community programs for juveniles. The secretary shall evaluate the programs that received a grant to ensure the program is being delivered as such program was designed. Subsection (f) requires expenditures from the account to be made promptly and on a rolling basis to develop and implement evidence-based community programs as services are needed throughout the state.