

HOUSE BILL No. 2021

By Committee on Corrections and Juvenile Justice

1-11

Proposed Amendments to HB 2021 - no technicals
House Corrections and Juvenile Justice Committee
Prepared by the Office of Revisor of Statutes
February 8, 2023

1 AN ACT concerning children and minors; relating to risk and needs
2 assessment for certain children in need of care; allowing for overall
3 case length limit extensions for certain juvenile offenders; requiring the
4 department of corrections to create juvenile justice data systems;
5 increasing use of evidence-based programs account money; authorizing
6 detention sanctions for probation violations; increasing the cumulative
7 detention cap; amending K.S.A. 38-2203, 38-2304, 38-2361, 38-2391,
8 38-2392, 75-52,162 and 75-52,164 and repealing the existing sections.
9

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

11 New Section 1. (a) On or before October 1, 2023, the secretary of
12 corrections and the secretary for children and families shall enter into a
13 memorandum of understanding to coordinate administering a risk and
14 needs assessment, as defined in K.S.A. 38-2302, and amendments thereto,
15 to children who have been identified as exhibiting behavior that could lead
16 to offending behavior during the course of a child in need of care
17 proceeding.

18 (b) The memorandum of understanding shall include procedures for
19 allowing children identified pursuant to subsection (a) to participate in
20 evidence-based community programs offered pursuant to K.S.A. 75-
21 52,164, and amendments thereto.

22 (c) A copy of the memorandum of understanding shall be provided to
23 the joint committee on corrections and juvenile justice oversight, the house
24 of representatives standing committee on corrections and juvenile justice
25 and the senate standing committee on judiciary.

26 Sec. 2. K.S.A. 38-2203 is hereby amended to read as follows: 38-
27 2203. (a) Proceedings concerning any child who may be a child in need of
28 care shall be governed by this code, except in those instances when the
29 court knows or has reason to know that an Indian child is involved in the
30 proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C.
31 § 1901 et seq., applies. The Indian child welfare act may apply to: The
32 filing to initiate a child in need of care proceeding, K.S.A. 38-2234, and
33 amendments thereto; ex parte custody orders, K.S.A. 38-2242, and
34 amendments thereto; temporary custody hearing, K.S.A. 38-2243, and
35 amendments thereto; adjudication, K.S.A. 38-2247, and amendments
36 thereto; burden of proof, K.S.A. 38-2250, and amendments thereto;

1 assessment to address technical violations. A technical violation shall only
2 be considered by the court for revocation if:

- 3 ~~(A)~~(A) It is a third or subsequent technical violation;
- 4 ~~(B)~~(B) prior failed responses are documented in the juvenile's case
5 plan; and
- 6 ~~(C)~~(C) the community supervision officer has determined and
7 documented that graduated responses to the violation will not suffice.

8 (2) Unless a juvenile poses a significant risk of physical harm to
9 another or damage to property, community supervision officers shall issue
10 a summons rather than request a warrant on a third or subsequent technical
11 violation subject to review by the court.

12 (3) Absconding from supervision shall not be considered a technical
13 violation of probation and, after reasonable efforts to locate a juvenile that
14 has absconded are unsuccessful, the court may issue a warrant for the
15 juvenile pursuant to K.S.A. 38-2342, and amendments thereto.

16 (4) *When a juvenile is placed on probation pursuant to K.S.A. 38-
17 2361, and amendments thereto, a judge may commit such juvenile to
18 detention for a violation of probation, including a technical violation, and
19 for contempt of court. A juvenile may be committed to detention for a
20 period not to exceed:*

strike

- 21 (A) 24 hours for a first violation;
- 22 (B) 48 hours for a second violation; and
- 23 (C) 15 days for a third or subsequent violation.

24 (c) When a juvenile is placed on probation pursuant to K.S.A. 38-
25 2361, and amendments thereto, the community supervision officer
26 responsible for oversight of the juvenile shall develop a case plan in
27 consultation with the juvenile and the juvenile's family. The department for
28 children and families and local board of education may participate in the
29 development of the case plan when appropriate.

30 (1) Such case plan shall incorporate the results of the risk and needs
31 assessment, referrals to programs, documentation on violations and
32 graduated responses and shall clearly define the role of each person or
33 agency working with the juvenile.

34 (2) If the juvenile is later committed to the custody of the secretary,
35 the case plan shall be shared with the juvenile correctional facility.

36 (d) This section shall be a part of and supplemental to the revised
37 Kansas juvenile justice code.

38 Sec. 7. K.S.A. 75-52,162 is hereby amended to read as follows: 75-
39 52,162. (a) (1) The department of corrections and the Kansas juvenile
40 justice oversight committee shall explore methods of exchanging
41 confidential data between all parts of the juvenile justice system. Such data
42 exchange shall be limited based on the needs of the user accessing the
43 data. Such method of exchanging data shall take into consideration sharing