

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE  
BILL NO. 2633**

As Amended by House Committee of the Whole

**Brief\***

Sub. for HB 2633 would create new law requiring the Secretary of Corrections to take certain actions and report on such actions to the House Committee on Corrections and Juvenile Justice, the Senate Committee on Federal and State Affairs, and the Joint Committee on Corrections and Juvenile Justice Oversight by January 15, 2015. The required actions would include:

- Conducting a cost study analysis of all youth residential centers (YRCs) for juvenile offenders under contract with the Department of Corrections (KDOC), including detailed analysis of allowable expenses necessary to meet certain minimum requirements and identification of costs associated with program or other expenses that add value to services provided to juvenile offenders by YRCs beyond minimum requirements;
- Evaluating program needs within YRCs, comparing these needs with availability, and proposing modifications to align availability with needs;
- Developing a fee schedule for youth residential services, including daily payment rates for base services and rates for additions to base services;
- Developing a plan for performance-based incentive payment opportunities and a plan for integration of

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

these payment opportunities into the fee schedule described above; and

- Developing a plan to measure performance and evaluate effectiveness of juvenile offender service providers.

The bill also would make several amendments to the Revised Juvenile Justice Code.

When a presentence investigation and report from a court services officer is ordered by a court after adjudication, such report would be required to include a summary of the results from a standardized risk assessment tool or instrument, in addition to the contents required under current law. The statute establishing the Correction Supervision Fund would be amended to allow moneys from the Fund to be used for the implementation of and training for use of a statewide, mandatory, standardized risk assessment tool or instrument for juveniles adjudicated to be juvenile offenders and for juvenile offender supervision programs.

The bill would prohibit the prosecution as an adult of any juvenile less than 14 years of age.

The placement matrix options for the categories of serious offender II and all levels of chronic offender would be amended so that offenders in these categories could be committed to a juvenile correctional facility only if the judge conducts a departure hearing and finds substantial and compelling reasons to impose a departure sentence.

Finally, a provision excluding placement sentences imposed under the placement matrix from the “good time” system would be removed.

## **Background**

The House Committee on Corrections and Juvenile Justice held an informational hearing in January 2014 on Juvenile Justice Reform Initiatives. Testifying at this hearing were representatives of the Kansas Appleseed Center for Law and Justice, the National Campaign to Reform State Juvenile Justice Systems, and Right on Crime and the Kansas Department of Corrections (KDOC) Deputy Secretary who oversees the Juvenile Services Division.

Following the informational hearing, the chairperson of the House Committee appointed a subcommittee to explore proposals that could reduce juvenile recidivism and lead to better systems of rehabilitation along with cost savings to the state. The subcommittee was directed to make recommendations regarding legislation and policy changes that could be implemented during the 2014 Legislative Session as well as longer-term recommendations.

After hearing further testimony, the subcommittee recommended legislation be introduced in the 2014 Legislative Session making minor-in-possession a status offense, prohibiting certain placement options for misdemeanants and status offenders, requiring risk assessment as part of the predisposition investigation, establishing presumptive probation for certain areas of the placement matrix, and making the good time system available for all offenders. The subcommittee recommended a separate bill raising the minimum age at which juveniles may be tried as adults from 10 years of age to 14 years of age.

Accordingly, the House Committee introduced HB 2634, containing the prosecution as an adult recommendation, and HB 2633, containing the remaining subcommittee recommendations.

In the House Committee hearing on HB 2633, the KDOC Deputy Secretary of Juvenile Services and representatives of the Office of Judicial Administration and Kansas Appleseed

Center for Law and Justice testified in support of the bill. A representative of the Kansas Community Corrections Association submitted written testimony supporting the bill. A representative of the Kansas Department for Children and Families (DCF) and the presiding judge of the Sedgwick County District Court Juvenile Department testified as neutral conferees. Representatives of the Johnson County District Attorney, the Wyandotte County District Attorney, and the Kansas Association of Court Services Officers testified in opposition to the bill.

The House Committee recommended a substitute bill be adopted containing the provisions related to risk assessment, language derived from the “presumptive probation” concept to allow placement in a juvenile correctional facility for certain placement matrix categories only after a departure hearing, and the “good-time” provision, as well as the language of HB 2634 prohibiting adult prosecution of juveniles under the age of 14.

The House Committee of the Whole amended the bill to add a new section containing study, planning, and report requirements for the Secretary of Corrections with regard to youth residential centers and services.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the DCF estimates the bill would require additional funding totaling \$1,830,539 and 27 additional FTE positions in FY 2015. \$1,817,197 of this amount would be from the State General Fund and \$13,342 would be from federal funds. This estimate is based on 3,000 additional reports and investigations of child abuse and neglect, the additional administrative and social worker specialists required to respond to these reports, and the cost of preventative family services and foster care. Total costs for the bill are estimated at \$1,810,302 for FY 2016 and \$1,829,515 in FY 2017.

According to the Office of Judicial Administration (OJA), the amendments making juvenile alcohol offenses status

offenses in the original bill would have required an additional 35 court service officer FTE positions at a cost of \$1,799,805 in FY 2015. The establishment of presumptive probation for juvenile offenders also would require additional programming and services, but an estimate of the cost to increase services is not available. OJA estimates there is sufficient existing funding to begin implementing the risk assessment tool.

The Department of Corrections indicates it would transfer any funding associated with a juvenile offender transferred to the custody of another state agency to offset the costs of each child.

Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.

There is no fiscal note available for the substitute bill.

#### ***Further Background on HB 2634***

In the House Committee on Corrections and Juvenile Justice, the KDOC Deputy Secretary of Juvenile Services and representatives of the Kansas Appleseed Center for Law and Justice and the Kansas Association of Court Services Officers testified in support of the bill. A representative of the Kansas Community Corrections Association submitted written testimony supporting the bill. The presiding judge of the Sedgwick County District Court Juvenile Department testified as a neutral conferee. Representatives of the Johnson County District Attorney and the Wyandotte County District Attorney testified in opposition to the bill.

The fiscal note prepared by the Division of the Budget on HB 2634 indicates the bill would have no fiscal effect on the KDOC or on the Judicial Branch and no effect on adult and juvenile bed space figures.