

## HOUSE BILL No. 2073

By Committee on Corrections and Juvenile Justice

1-18

1 AN ACT concerning children and minors; relating to juvenile offenders;  
2 the revised Kansas juvenile justice code; prohibiting fines, fees and  
3 costs from being assessed against a juvenile or a juvenile's parent,  
4 guardian or custodian; amending K.S.A. 12-16,119, 20-3129, 28-170,  
5 28-170a, 28-176, 38-2306, 38-2312, 38-2315, 38-2317, 38-2328, 38-  
6 2331, 38-2346, 38-2348, 38-2360, 38-2361, 38-2362, 38-2369, 38-  
7 2373, 38-2384, 38-2389, 38-2396, 38-2399 and 75-724 and K.S.A.  
8 2022 Supp. 21-6609, 22-4905 and 28-177 and repealing the existing  
9 sections; also repealing K.S.A. 38-2314, 38-2319, 38-2321 and 38-  
10 2324 and K.S.A. 2022 Supp. 20-167.

11

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

13 New Section 1. (a) In any action pursuant to the revised Kansas  
14 juvenile justice code, no fines, fees, costs, court expenses, reimbursements  
15 or other financial obligations shall be ordered, assessed or sought against a  
16 juvenile or a juvenile's parent, guardian or custodian.

17 (b) On and after July 1, 2023:

18 (1) Any outstanding court ordered fines, fees, costs, court expenses,  
19 reimbursements or other financial obligations owed by a juvenile or a  
20 juvenile's parent, guardian or custodian that were assessed during the  
21 course of an action pursuant to the revised Kansas juvenile justice code  
22 shall be discharged and shall not be collected.

23 (2) Any juvenile who is participating in an immediate intervention  
24 program, on probation, in a juvenile detention facility or juvenile  
25 correctional facility or is otherwise being supervised solely because the  
26 juvenile has outstanding fines, fees, costs, court expenses, reimbursements  
27 or other financial obligations shall be immediately discharged.

28 (3) A juvenile, parent or guardian who is currently incarcerated in a  
29 correctional facility, jail, juvenile correctional facility or juvenile detention  
30 facility solely because of nonpayment of any fine, fee, cost, court expense,  
31 reimbursement or other financial obligation imposed in an action pursuant  
32 to the revised Kansas juvenile justice code shall be released from  
33 custody.

34 (c) The provisions of this section shall not apply to restitution that is  
35 owed by a juvenile.

36 (d) This section shall be a part of and supplemental to the revised

1 Kansas juvenile justice code.

2 Sec. 2. K.S.A. 12-16,119 is hereby amended to read as follows: 12-  
3 16,119. (a) Any person convicted or diverted, ~~or adjudicated or diverted~~  
4 ~~under a preadjudication program~~, pursuant to K.S.A. 22-2906 et seq.,  
5 ~~K.S.A. 38-2346 et seq.~~, or 12-4414 et seq., and amendments thereto, of a  
6 misdemeanor or felony contained in chapters 8, 41 or 65 of the Kansas  
7 Statutes Annotated, or the Kansas criminal code, and amendments thereto,  
8 where fingerprints are required pursuant to K.S.A. 21-2501, and  
9 amendments thereto, shall pay a separate court cost if the board of county  
10 commissioners or by the governing body of a city, where a city operates a  
11 detention facility, votes to adopt such a fee as a booking or processing fee  
12 for each complaint.

13 (b) Such fee shall be in addition to and not in substitution for any and  
14 all fines and penalties otherwise provided for by law for such offense.

15 (c) Disbursements of these fees shall be to the general fund of the  
16 governing body responsible for the funding of the sheriff, police  
17 department or countywide law enforcement agency that obtains the  
18 fingerprints.

19 (d) Such fee shall not exceed \$45.

20 (e) *Such fee shall not be imposed in any action pursuant to the*  
21 *revised Kansas juvenile justice code.*

22 Sec. 3. K.S.A. 20-3129 is hereby amended to read as follows: 20-  
23 3129. (a) Subject to the limitations contained in this section, the clerks of  
24 the district courts shall tax a library fee in an amount determined by the  
25 trustees of the law library in each county for the benefit and account of the  
26 law library in each county. Such library fee shall be not less than \$2 nor  
27 more than \$10 in all cases commenced pursuant to chapter 60 of the  
28 Kansas Statutes Annotated, *and amendments thereto*, and in all felony  
29 criminal cases and shall be not less than \$.50 nor more than \$7 in all other  
30 cases.

31 (b) The clerks of the district courts in Sedgwick county and Johnson  
32 county may tax an additional fee in an amount determined by the trustees  
33 of the law library in each county for the benefit and account of the law  
34 library in each such county. Such additional library fee shall not be more  
35 than \$4 in all cases.

36 (c) The trustee of the law library in each county may increase law  
37 library fees under this section once per calendar year as of July 1. Changed  
38 law library fees shall be effective as of that date and when filed with the  
39 clerk of the supreme court. The trustees of the law library in each county  
40 shall file with the respective clerks the fees to be charged in that court.

41 (d) The fees provided for by subsection (a) shall be deducted from the  
42 docket fee. The fees provided for by subsection (b) shall be in addition to  
43 the docket fees established by law.

1 (e) In criminal cases where the case is dismissed by the state, the  
2 county shall be liable for the library fee. Where appeals from conviction in  
3 the municipal court are dismissed for want of prosecution, or by the  
4 defendant, the state or city shall collect the library fee. Upon failure of the  
5 state or city to do so within 90 days after the dismissal, the county from  
6 which the appeal is taken shall be liable therefor.

7 (f) The additional library fee under subsection (b) shall be considered  
8 a docket fee for purposes of K.S.A. 60-2001 et seq., and amendments  
9 thereto.

10 (g) *No fee shall be imposed on or collected from a juvenile or a*  
11 *juvenile's parent, guardian or custodian pursuant to this section in any*  
12 *action pursuant to the revised Kansas juvenile justice code.*

13 Sec. 4. K.S.A. 2022 Supp. 21-6609 is hereby amended to read as  
14 follows: 21-6609. (a) The court or the secretary of corrections may  
15 implement a house arrest program for defendants or inmates being  
16 sentenced by the court or in the custody of the secretary of corrections or  
17 as a sanction for offenders who have failed to comply with the conditions  
18 of probation, parole or postrelease supervision, except:

19 (1) No defendant shall be placed by the court under house arrest if  
20 found guilty of:

21 (A) Any crime designated as a class A or B felony in article 34 or 35  
22 of the Kansas Statutes Annotated, prior to their repeal;

23 (B) ~~subsection (b) of~~ K.S.A. 2022 Supp. 21-5604(b), and  
24 amendments thereto;

25 (C) K.S.A. 2022 Supp. 21-5602, and amendments thereto;

26 (D) any off-grid felony; or

27 (E) any nondrug crime ranked in severity levels 1 through 5 or any  
28 felony ranked in severity levels 1 through 3 of the drug grid, unless the  
29 offender has been sentenced to probation;

30 (2) no inmate shall be placed under house arrest if such inmate's  
31 security status is greater than minimum security; or

32 (3) no inmate shall be placed under house arrest who has been denied  
33 parole by the prisoner review board within the last six months. Any inmate  
34 who, while participating in the house arrest program, is denied parole by  
35 the prisoner review board shall be allowed to remain under house arrest  
36 until the completion of the sentence or until the inmate is otherwise  
37 removed from the program.

38 (b) At the time of placement of an inmate under house arrest, the  
39 court, secretary or house arrest staff shall provide written notification to  
40 the sheriff and district or county attorney of the county in which any  
41 person under house arrest is to be placed and to the chief law enforcement  
42 officer of any incorporated city or town in which such person is to be  
43 placed of the placement of the person under house arrest within the county

1 or incorporated city or town.

2 (c) House arrest sanctions shall be administered by the court and the  
3 secretary of corrections, respectively, through rules and regulations, and  
4 may include, but are not limited to, rehabilitative restitution in money or in  
5 kind, curfew, revocation or suspension of the driver's license, community  
6 service, deprivation of nonessential activities or privileges, or other  
7 appropriate restraints on the inmate's liberty.

8 (d) Upon placement in a house arrest program, the court, secretary or  
9 house arrest staff shall inform the offender, and any other people residing  
10 with such offender, of the nature and extent of such house arrest  
11 monitoring, and shall obtain the written agreement of such offender to  
12 comply with all requirements of the program.

13 (e) The offender shall remain within the property boundaries of the  
14 offender's residence at all times during the term of house arrest, except as  
15 provided under the house arrest agreement with such offender.

16 (f) The offender shall allow any law enforcement officer, community  
17 corrections officer, court services officer or duly authorized agent of the  
18 department of corrections; to enter such offender's residence at any time to  
19 verify the offender's compliance with the conditions of the house release.

20 (g) As a condition of house arrest, the court or secretary may require  
21 an offender placed under house arrest to pay any supervision costs  
22 associated with the house arrest program. *The secretary shall not require a*  
23 *juvenile or a juvenile's parent, guardian or custodian to pay any*  
24 *supervision costs associated with a house arrest program.*

25 (h) The offender shall consent to be monitored by:

- 26 (1) An electronic monitoring device on such offender's person;
- 27 (2) an electronic monitoring device in such offender's home;
- 28 (3) a remote blood alcohol monitoring device;
- 29 (4) a home telephone verification procedure;
- 30 (5) radio frequency devices; or

31 (6) any combination of monitoring methods as the court, secretary or  
32 house arrest staff finds necessary.

33 (i) The secretary or the court may contract for independent  
34 monitoring services. Such independent monitoring service shall be able to  
35 provide monitoring 24 hours a day, every day of the year, and any other  
36 services as determined by the secretary or the court.

37 (j) An offender violating the provisions of K.S.A. 8-1567, and  
38 amendments thereto, if placed under house arrest, shall be monitored by an  
39 electronic monitoring device, which verifies the offender's location. On a  
40 second or subsequent conviction of K.S.A. 8-1567, and amendments  
41 thereto, an offender placed under house arrest shall serve the total number  
42 of hours of confinement mandated by that section.

43 (k) As used in this section:

1 (1) "House arrest staff" means an independent contractor or  
2 government entity, and agents thereof, utilized by the secretary or court to  
3 administer the provisions of a house arrest program;

4 (2) "electronic monitoring device" means:

5 (A) An active or passive global positioning system-enabled device  
6 capable of recording and transmitting an offender's location at all times or  
7 at designated intervals. Such monitoring device may record or transmit  
8 sound, visual images or other information regarding such offender's  
9 location; via wireless communication; or

10 (B) a radio frequency device capable of monitoring an offender's  
11 location; and

12 (3) "remote alcohol monitoring device" means a device capable of  
13 monitoring an offender's blood alcohol content via micro fuel cell or deep  
14 lung tissue sample. Such monitoring devices shall be of comparable  
15 accuracy to roadside breath alcohol testing devices utilized by law  
16 enforcement, and shall have wireless or landline telephone transmission  
17 capabilities. Such device may be used in conjunction with an alcohol and  
18 drug-sensing bracelet to monitor such offender's compliance with the  
19 terms of house arrest.

20 Sec. 5. K.S.A. 2022 Supp. 22-4905 is hereby amended to read as  
21 follows: 22-4905. Any offender required to register as provided in the  
22 Kansas offender registration act shall:

23 (a) Except as otherwise provided in this subsection, register in person  
24 with the registering law enforcement agency within three business days of  
25 coming into any county or location of jurisdiction in which the offender  
26 resides or intends to reside, maintains employment or intends to maintain  
27 employment, or attends school or intends to attend school. Any such  
28 offender who cannot physically register in person with the registering law  
29 enforcement agency for such reasons including, but not limited to,  
30 incapacitation or hospitalization, as determined by a person licensed to  
31 practice medicine or surgery, or involuntarily committed pursuant to the  
32 Kansas sexually violent predator act, shall be subject to verification  
33 requirements other than in-person registration, as determined by the  
34 registering law enforcement agency having jurisdiction;

35 (b) except as provided further, for any: (1) Sex offender, including a  
36 violent offender or drug offender who is also a sex offender, report in  
37 person four times each year to the registering law enforcement agency in  
38 the county or location of jurisdiction in which the offender resides,  
39 maintains employment or is attending a school; and (2) violent offender or  
40 drug offender, report in person four times each year to the registering law  
41 enforcement agency in the county or location of jurisdiction in which the  
42 offender resides, maintains employment or is attending a school, except  
43 that, at the discretion of the registering law enforcement agency, one of the

1 four required reports may be conducted by certified letter. When utilized,  
2 the certified letter for reporting shall be sent by the registering law  
3 enforcement agency to the reported residence of the offender. The offender  
4 shall indicate any changes in information as required for reporting in  
5 person. The offender shall respond by returning the certified letter to the  
6 registering law enforcement agency within 10 business days by certified  
7 mail. The offender shall be required to report to the registering law  
8 enforcement agency once during the month of the offender's birthday and  
9 every third, sixth and ninth month occurring before and after the month of  
10 the offender's birthday. The registering law enforcement agency may  
11 determine the appropriate times and days for reporting by the offender,  
12 consistent with this subsection. Nothing contained in this subsection shall  
13 be construed to alleviate any offender from meeting the requirements  
14 prescribed in the Kansas offender registration act;

15 (c) provide the information required for registration as provided in  
16 K.S.A. 22-4907, and amendments thereto, and verify all information  
17 previously provided is accurate;

18 (d) if in the custody of a correctional facility, register with the  
19 correctional facility within three business days of initial custody and shall  
20 not be required to update such registration until discharged, paroled,  
21 furloughed or released on work or school release from a correctional  
22 facility. A copy of the registration form and any updated registrations for  
23 an offender released on work or school release shall be sent, within three  
24 business days, to the registering law enforcement agency where the  
25 offender is incarcerated, maintains employment or attends school, and to  
26 the Kansas bureau of investigation;

27 (e) if involuntarily committed pursuant to the Kansas sexually violent  
28 predator act, register within three business days of arrival in the county  
29 where the offender resides during commitment. The offender shall not be  
30 required to update such registration until placed in a reintegration facility,  
31 on transitional release or on conditional release. Upon placement in a  
32 reintegration facility, on transitional release or on conditional release, the  
33 offender shall be personally responsible for complying with the provisions  
34 of the Kansas offender registration act;

35 (f) notwithstanding subsections (a) and (b), if the offender is  
36 transient, report in person to the registering law enforcement agency of  
37 such county or location of jurisdiction in which the offender is physically  
38 present within three business days of arrival in the county or location of  
39 jurisdiction. Such offender shall be required to register in person with the  
40 registering law enforcement agency every 30 days, or more often at the  
41 discretion of the registering law enforcement agency. Such offender shall  
42 comply with the provisions of the Kansas offender registration act and, in  
43 addition, shall:

1 (1) Provide a list of places where the offender has slept and otherwise  
2 frequented during the period of time since the last date of registration; and

3 (2) provide a list of places where the offender may be contacted and  
4 where the offender intends to sleep and otherwise frequent during the  
5 period of time prior to the next required date of registration;

6 (g) if required by out-of-state law, register in any out-of-state  
7 jurisdiction, where the offender resides, maintains employment or attends  
8 school;

9 (h) register in person upon any commencement, change or  
10 termination of residence location, employment status, school attendance or  
11 other information as provided in K.S.A. 22-4907, and amendments thereto,  
12 within three business days of such commencement, change or termination,  
13 to the registering law enforcement agency or agencies where last  
14 registered and provide written notice to the Kansas bureau of  
15 investigation;

16 (i) report in person to the registering law enforcement agency or  
17 agencies within three business days of any change in name;

18 (j) if receiving inpatient treatment at any treatment facility, inform the  
19 treatment facility of the offender's status as an offender and inform the  
20 registering law enforcement agency of the county or location of  
21 jurisdiction in which the treatment facility is located of the offender's  
22 presence at the treatment facility and the expected duration of the  
23 treatment;

24 (k) submit to the taking of an updated photograph by the registering  
25 law enforcement agency on each occasion when the offender registers with  
26 or reports to the registering law enforcement agency in the county or  
27 location of jurisdiction in which the offender resides, maintains  
28 employment or attends school. In addition, such offender shall submit to  
29 the taking of a photograph to document any changes in identifying  
30 characteristics, including, but not limited to, scars, marks and tattoos;

31 (l) remit payment to the sheriff's office in the amount of \$20 as part of  
32 the reporting process required pursuant to subsection (b) in each county in  
33 which the offender resides, maintains employment or is attending school.  
34 Registration will be completed regardless of whether or not the offender  
35 remits payment. Failure of the offender to remit full payment within 15  
36 days of registration is a violation of the Kansas offender registration act  
37 and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments  
38 thereto. Notwithstanding other provisions ~~herein~~ *of this section*, payment  
39 of this fee is not required:

40 (1) When an offender provides updates or changes in information or  
41 during an initial registration unless such updates, changes or initial  
42 registration is during the month of such offender's birthday and every  
43 third, sixth and ninth month occurring before and after the month of the

1 offender's birthday;

2 (2) when an offender is transient and is required to register every 30  
3 days, or more frequently as ordered by the registering law enforcement  
4 agency, except during the month of the offender's birthday and every third,  
5 sixth and ninth month occurring before and after the month of the  
6 offender's birthday; ~~or~~

7 (3) if an offender has, prior to the required reporting and within the  
8 last three years, been determined to be indigent by a court of law, and the  
9 basis for that finding is recorded by the court; *or*

10 (4) *when an offender is required to register solely because of a*  
11 *juvenile adjudication;*

12 (m) annually renew any driver's license pursuant to K.S.A. 8-247, and  
13 amendments thereto, and annually renew any identification card pursuant  
14 to K.S.A. 2022 Supp. 8-1325a, and amendments thereto;

15 (n) if maintaining primary residence in this state, surrender all driver's  
16 licenses and identification cards from other states, territories and the  
17 District of Columbia, except if the offender is presently serving and  
18 maintaining active duty in any branch of the United States military or the  
19 offender is an immediate family member of a person presently serving and  
20 maintaining active duty in any branch of the United States military;

21 (o) read and sign the registration form noting whether the  
22 requirements provided in this section have been explained to the offender;  
23 and

24 (p) report in person to the registering law enforcement agency in the  
25 jurisdiction of the offender's residence and provide written notice to the  
26 Kansas bureau of investigation 21 days prior to any travel outside of the  
27 United States, and provide an itinerary including, but not limited to,  
28 destination, means of transport and duration of travel, or if under  
29 emergency circumstances, within three business days of making travel  
30 arrangements.

31 Sec. 6. K.S.A. 28-170 is hereby amended to read as follows: 28-170.

32 (a) The docket fee prescribed by K.S.A. 60-2001, and amendments thereto,  
33 and the fees for service of process, shall be the only costs assessed for  
34 services of the clerk of the district court and the sheriff in any case filed  
35 under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and  
36 amendments thereto, except that no fee shall be charged for an action filed  
37 under K.S.A. 60-3101 et seq., ~~and under~~ *or* K.S.A. 60-31a01 et seq., and  
38 amendments thereto. For services in other matters in which no other fee is  
39 prescribed by statute, the following fees shall be charged and collected by  
40 the clerk. Only one fee shall be charged for each bond, lien or judgment:

41 1. For filing, entering and releasing a bond, mechanic's lien, notice of  
42 intent to perform, personal property tax judgment or any judgment on  
43 which execution process cannot be issued .....\$14



1 2. For filing, entering and releasing a judgment of a court of this state on  
2 which execution or other process can be issued ..... \$24

3 3. For a certificate, or for copying or certifying any paper or writ, such fee  
4 as shall be prescribed by the district court.

5 (b) The fees for entries, certificates and other papers required in  
6 naturalization cases shall be those prescribed by the federal government  
7 and, when collected, shall be disbursed as prescribed by the federal  
8 government. The clerk of the court shall remit to the state treasurer at least  
9 monthly all moneys received from fees prescribed by subsection (a) or (b)  
10 or received for any services performed which may be required by law. The  
11 state treasurer shall deposit the remittance in the state treasury and credit  
12 the entire amount to the state general fund.

13 (c) In actions pursuant to the revised Kansas code for care of  
14 children, K.S.A. 38-2201 et seq., and amendments thereto, ~~the revised~~  
15 ~~Kansas juvenile justice code, K.S.A. 38-2301 et seq., and amendments~~  
16 ~~thereto~~, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and  
17 amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201  
18 et seq., and amendments thereto, or the care and treatment act for mentally  
19 ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk  
20 shall charge an additional fee of \$1 which shall be deducted from the  
21 docket fee and credited to the prosecuting attorneys' training fund as  
22 provided in K.S.A. 28-170a, and amendments thereto.

23 (d) Except as provided further, the bond, lien or judgment fee  
24 established in subsection (a) shall be the only fee collected or moneys in  
25 the nature of a fee collected for such bond, lien or judgment. Such fee shall  
26 only be established by an act of the legislature and no other authority is  
27 established by law or otherwise to collect a fee. On and after July 1, 2019,  
28 through June 30, 2025, the supreme court may impose an additional  
29 charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs  
30 of non-judicial personnel, *except that such fee shall not be imposed in any*  
31 *action pursuant to the revised Kansas juvenile justice code.*

32 Sec. 7. K.S.A. 28-170a is hereby amended to read as follows: 28-  
33 170a. (a) There is hereby established a prosecuting attorneys' training  
34 fund. The clerk of the district court shall charge a fee of \$1 in each  
35 criminal case, to be deducted from the docket fee as provided in K.S.A.  
36 28-172a, and amendments thereto and shall charge a fee of \$1 in each case  
37 pursuant to the revised Kansas code for care of children ~~or the revised~~  
38 ~~Kansas juvenile justice code~~ and each mental illness, drug abuse or  
39 alcoholism treatment action as provided by ~~subsection (c)~~ of K.S.A. 28-  
40 170(c), and amendments thereto. The clerk of the district court, at least  
41 monthly, shall pay all such fees received to the county treasurer who shall  
42 credit the same to the prosecuting attorneys' training fund.

43 (b) Expenditures from the prosecuting attorneys' training fund shall

1 be paid by the county treasurer upon the order of the county or district  
2 attorney and shall be used exclusively for the training of personnel in such  
3 attorney's office and costs related thereto. Annually, on or before March  
4 15, each county and district attorney shall submit to the attorney general  
5 and the chairperson of the judiciary committee of each house, an  
6 accounting that shows for the preceding year the amount of fees paid into  
7 the prosecuting attorneys' training fund, the amounts and purpose of each  
8 expenditure from such fund and the balance in such fund on December 31  
9 of the preceding year. The purpose for each expenditure shall specifically  
10 identify the person or persons for whom the expenditure was made and,  
11 where applicable, the time and place where the training was received. If  
12 any expenditure was paid to a nonprofit organization organized in this  
13 state of which the county or district attorney is a member, the county or  
14 district attorney shall include information on the training received for such  
15 expenditure which information shall show the persons receiving the  
16 training and the time and place thereof.

17 Sec. 8. K.S.A. 28-176 is hereby amended to read as follows: 28-176.  
18 (a) The court shall order any person convicted or diverted, ~~or adjudicated~~  
19 ~~or diverted under a preadjudication program~~ pursuant to K.S.A. 22-2906 et  
20 seq., ~~K.S.A. 38-2346 et seq.~~, or 12-4414, and amendments thereto, of a  
21 misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas  
22 Statutes Annotated, and amendments thereto, or a violation of K.S.A. 8-  
23 2,144 or 8-1567, and amendments thereto, or a violation of a municipal  
24 ordinance or county resolution prohibiting the acts prohibited by such  
25 statutes, unless the municipality or county has an agreement with the  
26 laboratory providing services that sets a restitution amount to be paid by  
27 the person that is directly related to the cost of laboratory services, to pay a  
28 separate court cost of \$400 for every individual offense if forensic science  
29 or laboratory services, forensic computer examination services or forensic  
30 audio and video examination services are provided, in connection with the  
31 investigation, by:

32 (1) The Kansas bureau of investigation;  
33 (2) the Sedgwick county regional forensic science center;  
34 (3) the Johnson county sheriff's laboratory;  
35 (4) the heart of America regional computer forensics laboratory;  
36 (5) the Wichita-Sedgwick county computer forensics crimes unit; or  
37 (6) the Garden City police department computer, audio and video  
38 forensics laboratory.

39 (b) Such fees shall be in addition to and not in substitution for any  
40 and all fines and penalties otherwise provided for by law for such offense.

41 (c) The court shall not lessen or waive such fees unless the court has  
42 determined such person is indigent and the basis for the court's  
43 determination is reflected in the court's order.

1 (d) Such fees shall be deposited into the designated fund of the  
2 laboratory or forensic science or computer center that provided such  
3 services. Fees for services provided by:

4 (1) The Kansas bureau of investigation shall be deposited in the  
5 Kansas bureau of investigation forensic laboratory and materials fee fund  
6 which is hereby created;

7 (2) the Sedgwick county regional forensic science center shall be  
8 deposited in the Sedgwick county general fund;

9 (3) the Johnson county sheriff's laboratory shall be deposited in the  
10 Johnson county sheriff's laboratory analysis fee fund;

11 (4) the heart of America regional computer forensics laboratory shall  
12 be deposited in the general treasury account maintained by such  
13 laboratory;

14 (5) the Wichita-Sedgwick county computer forensic crimes unit shall  
15 be retained by the Sedgwick county sheriff. All funds retained by the  
16 sheriff pursuant to the provisions of this section shall be credited to a  
17 special fund of the sheriff's office; and

18 (6) the Garden City police department computer, audio and video  
19 forensics laboratory shall be deposited in the Garden City general fund.

20 (e) Disbursements from the funds and accounts described in  
21 subsection (d) shall be made for the following:

22 (1) Forensic science or laboratory services;

23 (2) forensic computer examination services;

24 (3) forensic audio and video examination services;

25 (4) purchase and maintenance of laboratory equipment and supplies;

26 (5) education, training and scientific development of personnel; and

27 (6) from the Kansas bureau of investigation forensic laboratory and  
28 materials fee fund, the destruction of seized property and chemicals as  
29 described in K.S.A. 22-2512 and 60-4117, and amendments thereto.

30 (f) On or before the 10<sup>th</sup> day of each month, the director of accounts  
31 and reports shall transfer from the state general fund to the Kansas bureau  
32 of investigation forensic laboratory and materials fee fund interest earnings  
33 based on:

34 (1) The average daily balance of moneys in the Kansas bureau of  
35 investigation forensic laboratory and materials fee fund for the preceding  
36 month; and

37 (2) the net earnings rate of the pooled money investment portfolio for  
38 the preceding month.

39 (g) All expenditures from the Kansas bureau of investigation forensic  
40 laboratory and materials fee fund shall be made in accordance with  
41 appropriations acts upon warrants of the director of accounts and reports  
42 issued pursuant to vouchers approved by the attorney general or by a  
43 person or persons designated by the attorney general.

1       Sec. 9. K.S.A. 2022 Supp. 28-177 is hereby amended to read as  
2 follows: 28-177. (a) Except as provided in this section and K.S.A. 28-178,  
3 and amendments thereto, the fees established by legislative enactment  
4 shall be the only fee collected or moneys in the nature of a fee collected  
5 for court procedures. Such fee shall only be established by an act of the  
6 legislature and no other authority is established by law or otherwise to  
7 collect a fee. Court procedures shall include docket fees, filing fees or  
8 other fees related to access to court procedures. On and after July 1, 2019,  
9 through June 30, 2025, the supreme court may impose an additional  
10 charge, not to exceed \$26.50 per fee or the amount established by the  
11 applicable statute, whichever amount is less, to fund the costs of non-  
12 judicial personnel.

13       (b) Such additional charge imposed by the court pursuant to K.S.A. 8-  
14 2107, 8-2110, 22-2410, 28-170, 28-172a, 28-178, 28-179, 32-1049a, 38-  
15 2215, ~~38-2312, 38-2314~~, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001  
16 and 65-409 and K.S.A. 2022 Supp. 21-6614 and 23-2510, and  
17 amendments thereto, shall be remitted to the state treasurer in accordance  
18 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
19 receipt of each such remittance, the state treasurer shall deposit the entire  
20 amount in the state treasury to the credit of the state general fund.

21       (c) There is hereby established in the state treasury the judicial branch  
22 docket fee fund which shall be administered by the chief justice at the  
23 Kansas supreme court. Moneys credited to the judicial branch docket fee  
24 fund shall not be expended for compensation of judges or justices of the  
25 judicial branch.

26       (d) All expenditures from the judicial branch docket fee fund shall be  
27 made in accordance with appropriation acts and upon warrants of the  
28 director of accounts and reports issued pursuant to vouchers approved by  
29 the chief justice of the Kansas supreme court or by a person or persons  
30 designated by the chief justice.

31       Sec. 10. K.S.A. 38-2306 is hereby amended to read as follows: 38-  
32 2306. (a) *Appointment of attorney to represent juvenile.* A juvenile is  
33 entitled to have the assistance of an attorney at every stage of the  
34 proceedings. If a juvenile appears before any court without an attorney, the  
35 court shall inform the juvenile and the juvenile's parent of the right to  
36 employ an attorney. Upon failure to retain an attorney, the court shall  
37 appoint an attorney to represent the juvenile. The expense of the appointed  
38 attorney ~~may shall not~~ be assessed to the juvenile; ~~or the juvenile's parent,~~  
39 ~~or both, as part of the expenses of the case guardian or custodian.~~

40       (b) *Continuation of representation.* An attorney appointed for a  
41 juvenile shall continue to represent the juvenile at all subsequent court  
42 hearings in the proceeding under this code, including appellate  
43 proceedings, unless relieved by the court upon a showing of good cause or

1 upon transfer of venue.

2 (c) *Attorney fees.* (1) An attorney appointed pursuant to this section  
3 shall be allowed a reasonable fee for services, which ~~may be assessed as~~  
4 ~~an expense in the proceedings as provided in K.S.A. 38-2314, and~~  
5 ~~amendments thereto shall be paid from the county's general fund.~~

6 (2) *No fee for the services of an attorney appointed pursuant to this*  
7 *section shall be assessed against a juvenile or a juvenile's parent,*  
8 *guardian or custodian.*

9 Sec. 11. K.S.A. 38-2312 is hereby amended to read as follows: 38-  
10 2312. (a) Except as provided in subsections (b) and (c), any records or files  
11 specified in this code concerning a juvenile may be expunged upon  
12 application to a judge of the court of the county in which the records or  
13 files are maintained. The application for expungement may be made by the  
14 juvenile, if 18 years of age or older or, if the juvenile is less than 18 years  
15 of age, by the juvenile's parent or next friend.

16 (b) There shall be no expungement of records or files concerning acts  
17 committed by a juvenile which, if committed by an adult, would constitute  
18 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2022 Supp. 21-  
19 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,  
20 prior to its repeal, or K.S.A. 2022 Supp. 21-5403, and amendments  
21 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,  
22 or K.S.A. 2022 Supp. 21-5404, and amendments thereto, voluntary  
23 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2022 Supp.  
24 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-  
25 3439, prior to its repeal, or K.S.A. 2022 Supp. 21-5401, and amendments  
26 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2022  
27 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary  
28 manslaughter while driving under the influence of alcohol or drugs; K.S.A.  
29 21-3502, prior to its repeal, or K.S.A. 2022 Supp. 21-5503, and  
30 amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A.  
31 2022 Supp. 21-5506(a), and amendments thereto, indecent liberties with a  
32 child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2022 Supp. 21-  
33 5506(b), and amendments thereto, aggravated indecent liberties with a  
34 child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2022 Supp. 21-  
35 5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A.  
36 21-3510, prior to its repeal, or K.S.A. 2022 Supp. 21-5508(a), and  
37 amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior  
38 to its repeal, or K.S.A. 2022 Supp. 21-5508(b), and amendments thereto,  
39 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its  
40 repeal, or K.S.A. 2022 Supp. 21-5510, and amendments thereto, sexual  
41 exploitation of a child; K.S.A. 2022 Supp. 21-5514(a), and amendments  
42 thereto, internet trading in child pornography; K.S.A. 2022 Supp. 21-  
43 5514(b), and amendments thereto, aggravated internet trading in child

1 pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2022 Supp. 21-  
2 5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608,  
3 prior to its repeal, or K.S.A. 2022 Supp. 21-5601(a), and amendments  
4 thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A.  
5 2022 Supp. 21-5602, and amendments thereto, abuse of a child; or which  
6 would constitute an attempt to commit a violation of any of the offenses  
7 specified in this subsection.

8 (c) Notwithstanding any other law to the contrary, for any offender  
9 who is required to register as provided in the Kansas offender registration  
10 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no  
11 expungement of any conviction or any part of the offender's criminal  
12 record while the offender is required to register as provided in the Kansas  
13 offender registration act.

14 (d) When a petition for expungement is filed, the court shall set a date  
15 for a hearing on the petition and shall give notice thereof to the county or  
16 district attorney. The petition shall state: (1) The juvenile's full name; (2)  
17 the full name of the juvenile as reflected in the court record, if different  
18 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which  
19 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity  
20 of the trial court. ~~Except as otherwise provided by law, a petition for~~  
21 ~~expungement shall be accompanied by a docket fee in the amount of \$176.~~  
22 ~~On and after July 1, 2019, through June 30, 2025, the supreme court may~~  
23 ~~impose a charge, not to exceed \$19 per case, to fund the costs of non-~~  
24 ~~judicial personnel. *No docket fee, charge or other cost shall be imposed on*~~  
25 ~~*the petitioner.*~~ All petitions for expungement shall be docketed in the  
26 original action. Any person who may have relevant information about the  
27 petitioner may testify at the hearing. The court may inquire into the  
28 background of the petitioner.

29 (e) (1) After hearing, the court shall order the expungement of the  
30 records and files if the court finds that:

31 (A) (i) The juvenile has reached 23 years of age or that two years  
32 have elapsed since the final discharge;

33 (ii) one year has elapsed since the final discharge for an adjudication  
34 concerning acts committed by a juvenile which, if committed by an adult,  
35 would constitute a violation of K.S.A. 2022 Supp. 21-6419, and  
36 amendments thereto; or

37 (iii) the juvenile is a victim of human trafficking, aggravated human  
38 trafficking or commercial sexual exploitation of a child, the adjudication  
39 concerned acts committed by the juvenile as a result of such victimization,  
40 including, but not limited to, acts which, if committed by an adult, would  
41 constitute a violation of K.S.A. 2022 Supp. 21-6203 or 21-6419, and  
42 amendments thereto, and the hearing on expungement occurred on or after  
43 the date of final discharge. The provisions of this clause shall not allow an

1 expungement of records or files concerning acts described in subsection  
2 (b);

3 (B) since the final discharge of the juvenile, the juvenile has not been  
4 convicted of a felony or of a misdemeanor other than a traffic offense or  
5 adjudicated as a juvenile offender under the revised Kansas juvenile justice  
6 code and no proceedings are pending seeking such a conviction or  
7 adjudication; and

8 (C) the circumstances and behavior of the petitioner warrant  
9 expungement.

10 (2) ~~The court may require that all court costs, fees and restitution~~  
11 ~~shall be paid shall not deny or delay processing of a petition for~~  
12 ~~expungement because of unpaid court costs, fees, restitution or other~~  
13 ~~outstanding financial obligations.~~

14 (f) Upon entry of an order expunging records or files, the offense  
15 which the records or files concern shall be treated as if it never occurred,  
16 except that upon conviction of a crime or adjudication in a subsequent  
17 action under this code the offense may be considered in determining the  
18 sentence to be imposed. The petitioner, the court and all law enforcement  
19 officers and other public offices and agencies shall properly reply on  
20 inquiry that no record or file exists with respect to the juvenile. Inspection  
21 of the expunged files or records thereafter may be permitted by order of  
22 the court upon petition by the person who is the subject thereof. The  
23 inspection shall be limited to inspection by the person who is the subject of  
24 the files or records and the person's designees.

25 (g) A certified copy of any order made pursuant to subsection (a) or  
26 (d) shall be sent to the Kansas bureau of investigation, which shall notify  
27 every juvenile or criminal justice agency which may possess records or  
28 files ordered to be expunged. If the agency fails to comply with the order  
29 within a reasonable time after its receipt, such agency may be adjudged in  
30 contempt of court and punished accordingly.

31 (h) The court shall inform any juvenile who has been adjudicated a  
32 juvenile offender of the provisions of this section.

33 (i) Nothing in this section shall be construed to prohibit the  
34 maintenance of information relating to an offense after records or files  
35 concerning the offense have been expunged if the information is kept in a  
36 manner that does not enable identification of the juvenile.

37 (j) Nothing in this section shall be construed to permit or require  
38 expungement of files or records related to a child support order registered  
39 pursuant to the revised Kansas juvenile justice code.

40 (k) Whenever the records or files of any adjudication have been  
41 expunged under the provisions of this section, the custodian of the records  
42 or files of adjudication relating to that offense shall not disclose the  
43 existence of such records or files, except when requested by:

- 1 (1) The person whose record was expunged;
- 2 (2) a private detective agency or a private patrol operator, and the  
3 request is accompanied by a statement that the request is being made in  
4 conjunction with an application for employment with such agency or  
5 operator by the person whose record has been expunged;
- 6 (3) a court, upon a showing of a subsequent conviction of the person  
7 whose record has been expunged;
- 8 (4) the secretary for aging and disability services, or a designee of the  
9 secretary, for the purpose of obtaining information relating to employment  
10 in an institution, as defined in K.S.A. 76-12a01, and amendments thereto,  
11 of the Kansas department for aging and disability services of any person  
12 whose record has been expunged;
- 13 (5) a person entitled to such information pursuant to the terms of the  
14 expungement order;
- 15 (6) the Kansas lottery, and the request is accompanied by a statement  
16 that the request is being made to aid in determining qualifications for  
17 employment with the Kansas lottery or for work in sensitive areas within  
18 the Kansas lottery as deemed appropriate by the executive director of the  
19 Kansas lottery;
- 20 (7) the governor or the Kansas racing commission, or a designee of  
21 the commission, and the request is accompanied by a statement that the  
22 request is being made to aid in determining qualifications for executive  
23 director of the commission, for employment with the commission, for  
24 work in sensitive areas in parimutuel racing as deemed appropriate by the  
25 executive director of the commission or for licensure, renewal of licensure  
26 or continued licensure by the commission;
- 27 (8) the Kansas sentencing commission; or
- 28 (9) the Kansas bureau of investigation, for the purposes of:
  - 29 (A) Completing a person's criminal history record information within  
30 the central repository in accordance with K.S.A. 22-4701 et seq., and  
31 amendments thereto; or
  - 32 (B) providing information or documentation to the federal bureau of  
33 investigation, in connection with the national instant criminal background  
34 check system, to determine a person's qualification to possess a firearm.
- 35 (l) The provisions of subsection (k)(9) shall apply to all records  
36 created prior to, on and after July 1, 2011.

37 Sec. 12. K.S.A. 38-2315 is hereby amended to read as follows: 38-  
38 2315. (a) *How paid.* (1) If a juvenile, subject to this code, is not eligible for  
39 assistance under K.S.A. 39-709, and amendments thereto, expenses for the  
40 care and custody of the juvenile shall be paid out of the general fund of the  
41 county in which the proceedings are initiated. Upon entry of a written  
42 order transferring venue pursuant to K.S.A. 38-2305, and amendments  
43 thereto, expenses shall be paid by the receiving county. For the purpose of



1 this section, a juvenile who is a nonresident of the state of Kansas or  
2 whose residence is unknown shall have residence in the county where the  
3 proceedings are initiated.

4 (2) When the custody of a juvenile is awarded to the commissioner,  
5 the expenses for the care and custody of the juvenile from the date of  
6 custody forward shall not be paid out of the county general fund, except as  
7 provided in subsection ~~(d)~~ (b) or K.S.A. 38-2373, and amendments thereto.  
8 In no event shall the payment authorized by this subsection exceed the  
9 state approved rate.

10 (3) Nothing in this section shall be construed to mean that any person  
11 shall be relieved of the legal responsibility to support a juvenile.

12 ~~(b) Reimbursement to county general fund.~~ (1) When expenses for the  
13 care and custody of a juvenile subject to this code have been paid out of  
14 the county general fund of any county in this state, the court may assess  
15 the expenses to the person who by law is liable to maintain, care for or  
16 support the juvenile and shall inform the person assessed the expenses of  
17 such person's right to a hearing. If a hearing is requested, it shall be  
18 granted and the court shall fix a time and place for hearing on the question  
19 of requiring payment or reimbursement of all or part of the expenses by a  
20 person who by law is liable to maintain, care for or support the juvenile.

21 ~~(2) After notice to the person who by law is liable to maintain, care for or support the juvenile, the court, if requested, may hear and dispose of the matter and may enter an order relating to payment of expenses for care and custody of the juvenile. If the person willfully fails or refuses to pay the sum, the person may be adjudged in contempt of court and punished accordingly.~~

22 ~~(3) Any county which makes payment to maintain, care for or support a juvenile subject to this code, may bring a separate action against a person who by law is liable to maintain, care for or support such juvenile for the reimbursement of expenses paid out of the county general fund for the care and custody of the juvenile.~~

23 ~~(c) Reimbursement to the commissioner.~~ When expenses for the care  
24 and custody of a juvenile subject to this code have been paid by the  
25 commissioner, the commissioner may recover the expenses as provided by  
26 law from any person who by law is liable to maintain, care for or support  
27 the juvenile. The commissioner shall have the power to compromise and  
28 settle any claim due or any amount claimed to be due to the commissioner  
29 from any person who by law is liable to maintain, care for or support the  
30 juvenile. The commissioner may contract with a state agency, contract  
31 with an individual or hire personnel to collect the reimbursements required  
32 under this subsection.

33 ~~(d)(b) Interlocal agreements.~~ When a county has made an interlocal  
34 agreement to maintain, care for or support alleged juvenile offenders or

1 juvenile offenders who are residents of another county and such other  
2 county is a party to the interlocal agreement with the county which  
3 performs the actual maintenance, care and support of the alleged juvenile  
4 offender or juvenile offender, such county of residence may pay from its  
5 county general fund to the other county whatever amount is agreed upon in  
6 the interlocal agreement irrespective of any amount paid or to be paid by  
7 the ~~juvenile justice authority~~ *department of corrections*. The ~~juvenile~~  
8 ~~justice authority~~ *department of corrections* shall not diminish the amount it  
9 would otherwise reimburse any such county for maintaining, caring for  
10 and supporting any such juvenile because of any payment under such an  
11 interlocal agreement.

12 (c) *The expenses for the care and custody of a juvenile subject to this*  
13 *code shall not be assessed to the parent, guardian or custodian of the*  
14 *juvenile.*

15 Sec. 13. K.S.A. 38-2317 is hereby amended to read as follows: 38-  
16 2317. (a) As used in this section:

17 (1) "Adjudicated person" means a person found to be a juvenile  
18 offender or a person found not to be a juvenile offender because of mental  
19 disease or defect.

20 (2) "Laboratory confirmation" means positive test results from a  
21 confirmation test approved by the secretary of health and environment.

22 (3) "Sexual act" means contact between the penis and the vulva, the  
23 penis and the anus, the mouth and the penis, the mouth and the vulva or  
24 the mouth and the anus. For purposes of this ~~definition~~ *paragraph*, contact  
25 involving the penis occurs upon penetration, however slight.

26 (4) "Infectious disease test" means a test approved by the secretary of  
27 health and environment.

28 (5) "Body fluids" means blood, semen or vaginal secretions or any  
29 body fluid visibly contaminated with blood.

30 (6) "Infectious disease" means any disease communicable from one  
31 person to another through contact with bodily fluids.

32 (b) At the time of the first appearance before the court of a person  
33 charged with an offense involving a sexual act committed while the person  
34 was a juvenile, or in which it appears from the nature of the charge that the  
35 transmission of body fluids from one person to another may have been  
36 involved, the judge shall inform the person or the parent or legal guardian  
37 of the person of the availability of infectious disease testing and  
38 counseling and shall cause each alleged victim of the offense and if the  
39 alleged victim is a minor, the parent, if any, to be notified that infectious  
40 disease testing and counseling are available.

41 (c) If the victim of the offense or if the victim is a minor, if the  
42 victim's parent requests the court to order infectious disease tests of the  
43 alleged offender or if the person charged with the offense stated to law

1 enforcement officers that such person has an infectious disease or is  
2 infected with an infectious disease, or used words of like effect, the court  
3 shall order the person charged with the offense to submit to infectious  
4 disease tests.

5 (d) For any offense by an adjudicated person which the court  
6 determines, from the facts of the case, involved or was likely to have  
7 involved the transmission of body fluids from one person to another or  
8 involved a sexual act, the court: (1) May order the adjudicated person to  
9 submit to infectious disease tests; or (2) shall order the adjudicated person  
10 to submit to infectious disease tests if a victim of the offense, or the parent  
11 or legal guardian of the victim if the victim is a minor, requests the court to  
12 make such order. If an infectious disease test is ordered under this  
13 subsection, a victim who is an adult shall designate a health care provider  
14 or counselor to receive the information on behalf of the victim. If a victim  
15 is a minor, the parent or legal guardian of the victim shall designate the  
16 health care provider or counselor to receive the information. If testing for  
17 HIV or hepatitis B infection results in a negative reaction, the court shall  
18 order the adjudicated person to submit to another test for HIV or hepatitis  
19 B infection six months after the first test was administered.

20 (e) The results of infectious disease tests ordered under this section  
21 shall be disclosed to the court which ordered the test, to the adjudicated  
22 person, or the parent or legal guardian of the adjudicated person, and to  
23 each person designated under subsection (d) by a victim or by the parent or  
24 legal guardian of a victim. If infectious disease tests ordered under this  
25 section results in a laboratory confirmation, the results shall be reported to  
26 the secretary of health and environment and to: (1) The commissioner of  
27 juvenile justice, in the case of a juvenile offender or a person not  
28 adjudicated because of mental disease or defect, for inclusion in such  
29 offender's or person's medical file; or (2) the secretary of corrections, in  
30 the case of a person under 16 years of age who has been convicted as an  
31 adult, for inclusion in such person's medical file. The secretary of health  
32 and environment shall provide to each victim of the crime or sexual act, at  
33 the option of such victim, counseling regarding the human  
34 immunodeficiency virus and hepatitis B, testing for HIV or hepatitis B  
35 infection in accordance with K.S.A. 65-6001 et seq., and amendments  
36 thereto, and referral for appropriate health care and services.

37 (f) The costs of any counseling and testing provided under subsection  
38 (e) by the secretary of health and environment shall be paid from amounts  
39 appropriated to the department of health and environment for that purpose.  
40 ~~The court shall order the adjudicated person to pay restitution to the~~  
41 ~~department of health and environment for the costs of any counseling~~  
42 ~~provided under this section and the costs of any test ordered or otherwise~~  
43 ~~performed under this section. No fee for any counseling or testing~~

1 *provided pursuant to this section shall be assessed against a juvenile or a*  
 2 *juvenile's parent, guardian or custodian.*

3 (g) When a court orders an adjudicated person to submit to infectious  
 4 disease tests under this section, the withdrawal of the blood may be  
 5 performed only by: (1) A person licensed to practice medicine and surgery  
 6 or a person acting under the supervision of any such licensed person; (2) a  
 7 licensed professional nurse or a licensed practical nurse; or (3) a qualified  
 8 medical technician. No person authorized by this subsection to withdraw  
 9 blood, no person assisting in the performance of infectious disease tests  
 10 nor any medical care facility where blood is withdrawn or tested that has  
 11 been ordered by the court to withdraw or test blood shall be liable in any  
 12 civil or criminal action when the test is performed in a reasonable manner  
 13 according to generally accepted medical practices.

14 (h) The results of tests or reports, or information therein, obtained  
 15 under this section shall be confidential and shall not be divulged to any  
 16 person not authorized by this section or authorized in writing by the  
 17 juvenile to receive the results or information. Any violation of this section  
 18 is a class C nonperson misdemeanor.

19 Sec. 14. K.S.A. 38-2328 is hereby amended to read as follows: 38-  
 20 2328. (a) *Complaint.* (1) The complaint shall be in writing and shall state:

21 (A) The name, date of birth and residence address of the alleged  
 22 juvenile offender, if known;

23 (B) the name and residence address of the alleged juvenile offender's  
 24 parent, if known, and, if no parent can be found, the name and address of  
 25 the nearest known relative;

26 (C) the name and residence address of any persons having custody or  
 27 control of the alleged juvenile offender;

28 (D) plainly and concisely the essential facts constituting the offense  
 29 charged and, if the statement is drawn in the language of the statute,  
 30 ordinance or resolution alleged to have been violated, it shall be  
 31 considered sufficient; and

32 (E) for each count, the official or customary citation of the statute,  
 33 ordinance or resolution which is alleged to have been violated, but error in  
 34 the citation or its omission shall not be grounds for dismissal of the  
 35 complaint or for reversal of an adjudication if the error or omission did not  
 36 prejudice the juvenile.

37 (2) The proceedings shall be entitled: "In the matter of  
 38 \_\_\_\_\_, a juvenile."

39 ~~(3) The complaint shall contain a request that parents be ordered to~~  
 40 ~~pay child support in the event the juvenile is removed from the home.~~

41 (4) The precise time of the commission of an offense need not be  
 42 stated in the complaint, but it is sufficient if shown to have been within the  
 43 statute of limitations, except where the time is an indispensable element of

1 the offense.

2 ~~(5)~~(4) At the time of filing, the prosecuting attorney shall endorse  
3 upon the complaint the names of all known witnesses. The names of other  
4 witnesses that afterward become known to the prosecuting attorney may  
5 be endorsed at such times as the court prescribes by rule or otherwise.

6 (b) *Motions*. Motions may be made orally or in writing. The motion  
7 shall state with particularity the grounds for the motion and shall state the  
8 relief or order sought. Motions available in civil and criminal procedure  
9 are available to the parties under this code.

10 Sec. 15. K.S.A. 38-2331 is hereby amended to read as follows: 38-  
11 2331. (a) The court shall not enter an order removing a juvenile from the  
12 custody of a parent pursuant to this section unless the court first finds that  
13 a detention risk assessment conducted pursuant to K.S.A. 75-7023(d), and  
14 amendments thereto, has assessed the juvenile as detention-eligible or  
15 there are grounds to override the results of a detention risk assessment tool  
16 and the court finds probable cause that:

17 (1) Community-based alternatives to detention are insufficient to:

18 (A) Secure the presence of the juvenile at the next hearing as  
19 evidenced by a demonstrable record of recent failures to appear at juvenile  
20 court proceedings and an exhaustion of detention alternatives; or

21 (B) protect the physical safety of another person or property from  
22 serious threat if the juvenile is not detained; and

23 (2) The court shall state the basis for each finding in writing.

24 (b) Community-based alternatives to detention shall include, but not  
25 be limited to:

26 (1) Release on the youth's promise to appear;

27 (2) release to a parent, guardian or custodian upon the youth's  
28 assurance to secure such youth's appearance;

29 (3) release with the imposition of reasonable restrictions on activities,  
30 associations, movements and residence specifically related to securing the  
31 youth's appearance at the next court hearing;

32 (4) release to a voluntary community supervision program;

33 (5) release to a mandatory, court-ordered community supervision  
34 program;

35 (6) release with mandatory participation in an electronic monitoring  
36 program with minimal restrictions on the youth's movement; or

37 (7) release with mandatory participation in an electronic monitoring  
38 program allowing the youth to leave home only to attend school, work,  
39 court hearings or other court-approved activities.

40 (c) No juvenile shall be placed in a juvenile detention center solely  
41 due to:

42 (1) A lack of supervision alternatives or service options;

43 (2) a parent avoiding legal responsibility;

- 1 (3) a risk of self-harm;
- 2 (4) contempt of court;
- 3 (5) a violation of a valid court order;
- 4 (6) *nonpayment of any fines, fees, court costs or restitution;* or
- 5 ~~(6)~~(7) technical violations of conditional release unless there is
- 6 probable cause that the juvenile poses a significant risk of harm to others
- 7 or damage to property or the applicable graduated responses or sanctions
- 8 protocol allows such placement.

9 (d) No person 18 years of age or more shall be placed in a juvenile  
10 detention center.

11 Sec. 16. K.S.A. 38-2346 is hereby amended to read as follows: 38-  
12 2346. (a) Each director of juvenile intake and assessment services in  
13 collaboration with the county or district attorney shall adopt a policy and  
14 establish guidelines for an immediate intervention process by which a  
15 juvenile may avoid prosecution. The guidelines may include information  
16 on any offenders beyond those enumerated in subsection (b)(1) that shall  
17 be referred to immediate intervention. In addition to juvenile intake and  
18 assessment services adopting policies and guidelines for the immediate  
19 intervention process, the court, the county or district attorney, the director  
20 of the intake and assessment center and other relevant individuals or  
21 organizations, pursuant to a written agreement, shall collaboratively  
22 develop local programs to:

23 (1) Provide for the direct referral of cases to immediate intervention  
24 programs by the county or district attorney and the intake and assessment  
25 worker.

26 (2) Allow intake and assessment workers to issue a summons, as  
27 defined in subsection (e) and if juvenile intake and assessment services has  
28 adopted appropriate policies and guidelines, allow law enforcement  
29 officers to issue such a summons.

30 (3) Allow the intake and assessment centers and other immediate  
31 intervention program providers to directly purchase services for the  
32 juvenile and the juvenile's family.

33 (4) Allow intake and assessment workers to direct the release of a  
34 juvenile prior to a detention hearing after the completion of the intake and  
35 assessment process pursuant to K.S.A. 75-7023, and amendments thereto.

36 (b) (1) A juvenile who goes through the juvenile intake and  
37 assessment process pursuant to K.S.A. 75-7023, and amendments thereto,  
38 shall be offered the opportunity to participate in an immediate intervention  
39 program and avoid prosecution if the juvenile is charged with a  
40 misdemeanor that is not an offense described in article 55 of chapter 21 of  
41 the Kansas Statutes Annotated, and amendments thereto, or a violation of  
42 K.S.A. 2022 Supp. 21-5507, and amendments thereto, the juvenile has no  
43 prior adjudications, and the offer is made pursuant to the guidelines

1 developed pursuant to this section. Participation in an immediate  
2 intervention program is not required to be offered to a juvenile who was  
3 originally charged with an offense which, if committed by an adult, would  
4 constitute a felony and, as a result of a plea agreement reached between  
5 the juvenile and prosecuting attorney, the charge has been amended to a  
6 misdemeanor. A juvenile who has participated in an immediate  
7 intervention program for a previous misdemeanor may, but is not required to  
8 to, be offered participation in an immediate intervention program.

9 (2) A juvenile may also participate in an immediate intervention  
10 program if the juvenile is referred for immediate intervention by the  
11 county or district attorney pursuant to subsection (d).

12 (3) Any juvenile referred to immediate intervention by juvenile intake  
13 and assessment services shall, upon acceptance, work together with court  
14 services, community corrections, juvenile intake and assessment services  
15 or any other entity designated as a part of the written agreement in  
16 subsection (a) to develop an immediate intervention plan. Such plan may  
17 be supervised or unsupervised by any of the aforementioned entities. The  
18 county or district attorneys office shall not be required to supervise  
19 juveniles participating in an immediate intervention program.

20 (4) The immediate intervention plan shall last no longer than six  
21 months from the date of referral, unless the plan requires the juvenile to  
22 complete an evidence-based mental health or substance abuse program that  
23 extends beyond the six-month period. In such case, the plan may be  
24 extended up to two additional months.

25 (5) If the juvenile satisfactorily complies with the immediate  
26 intervention plan, such juvenile shall be discharged and the charges  
27 dismissed at the end of the time period specified in paragraph (4).

28 (6) If the juvenile fails to satisfactorily comply with the immediate  
29 intervention plan, the case shall be referred to a multidisciplinary team for  
30 review. The multidisciplinary team created pursuant to K.S.A. 38-2393,  
31 and amendments thereto, shall review the immediate intervention plan  
32 within seven days and may revise and extend such plan or terminate the  
33 case as successful. Such plan may be extended for no more than four  
34 additional months.

35 (7) If the juvenile fails to satisfactorily comply with the revised plan  
36 developed pursuant to paragraph (6), the intake and assessment worker,  
37 court services officer or community corrections officer overseeing the  
38 immediate intervention shall refer the case to the county or district  
39 attorney for consideration.

40 (c) The parent of a juvenile may be required to be a part of the  
41 immediate intervention program.

42 (d) For all juveniles that have fewer than two prior adjudications, the  
43 county or district attorney shall review the case upon receipt of a

1 complaint to determine if the case should be referred for immediate  
 2 intervention or whether alternative means of adjudication should be  
 3 designated pursuant to K.S.A. 38-2389, and amendments thereto. The  
 4 county or district attorney shall consider any recommendation of a juvenile  
 5 intake and assessment worker, court services officer or community  
 6 corrections officer.

7 (e) "Summons" means a written order issued by an intake and  
 8 assessment worker or a law enforcement officer directing that a juvenile  
 9 appear before a designated court at a stated time and place to answer a  
 10 pending charge.

11 (f) ~~A juvenile who is eligible for an immediate intervention shall not~~  
 12 ~~be denied participation in such a program or terminated unsuccessfully due~~  
 13 ~~to an inability to pay fees or other associated costs. Fees assessed from~~  
 14 ~~such a program shall be retained by the program and shall not be used for~~  
 15 ~~any purpose, except development and operation of the program.~~ *No fees or*  
 16 *costs shall be imposed on a juvenile or a juvenile's parent, guardian or*  
 17 *custodian for participation in an immediate intervention program. A*  
 18 *juvenile who is otherwise eligible to participate in an immediate*  
 19 *intervention program shall not be denied access to such program due to*  
 20 *unpaid fees or costs.*

21 (g) If a juvenile substantially complies with an immediate  
 22 intervention program, charges in such juvenile's case shall not be filed.

23 (h) The policies and guidelines developed pursuant to subsection (a)  
 24 shall adhere to standards and procedures for immediate intervention  
 25 developed by the department of corrections pursuant to K.S.A. 38-2395,  
 26 and amendments thereto, and be based on best practices.

27 (i) Nothing in this section shall require a juvenile to participate in an  
 28 immediate intervention program when the county or district attorney has  
 29 declined to continue with prosecution of an alleged offense.

30 Sec. 17. K.S.A. 38-2348 is hereby amended to read as follows: 38-  
 31 2348. (a) (1) For the purpose of this section, a person charged as a juvenile  
 32 is incompetent for adjudication as a juvenile offender if, because of mental  
 33 illness or defect, such person is unable to:

34 ~~(1)(A)~~ Understand the nature and purpose of the proceedings; or

35 ~~(2)(B)~~ make or assist in making a defense.

36 (2) Whenever the words "competent," "competency," "incompetent"  
 37 and "incompetency" are used without qualification in this code, such  
 38 words shall refer to the standard for incompetency described in this  
 39 subsection.

40 (b) (1) If at any time after such person has been charged as a juvenile  
 41 there is reason to believe that the juvenile is incompetent for adjudication  
 42 as a juvenile offender, the proceedings shall be suspended and the court  
 43 before whom the case is pending shall conduct a hearing to determine the



1 competency of the juvenile. Such a hearing may be held upon the motion  
2 of the juvenile's attorney or the prosecuting attorney, or upon the court's  
3 own motion.

4 (2) The court shall determine the issue of competency. To facilitate in  
5 this determination, the court may: (A) Appoint a licensed psychiatrist or  
6 psychologist to examine the juvenile; or (B) designate a private or public  
7 mental health facility to conduct a psychiatric or psychological  
8 examination and report to the court. If the examining psychiatrist,  
9 psychologist or private or public mental health facility determines that  
10 further examination is necessary, the court may commit the juvenile for not  
11 more than 60 days to any appropriate public or private institution for  
12 examination and report to the court. For good cause shown, the  
13 commitment may be extended for another 60 days. No statement made by  
14 the juvenile in the course of any examination provided for by this section,  
15 whether the examination is with or without the consent of the juvenile,  
16 shall be admitted in evidence against the juvenile in any hearing.

17 (3) Unless the court finds the attendance of the juvenile would be  
18 injurious to the juvenile's health, the juvenile shall be present personally at  
19 all proceedings under this section.

20 (c) If the juvenile is found to be competent, the proceedings which  
21 have been suspended shall be resumed.

22 (d) If the juvenile is found to be incompetent, the juvenile shall  
23 remain subject to the jurisdiction of the court and shall be committed for  
24 evaluation and treatment pursuant to K.S.A. 38-2349 and 38-2350, and  
25 amendments thereto. ~~One or both parents of the juvenile may be ordered to~~  
26 ~~pay child support pursuant to the Kansas child support guidelines.~~ Upon  
27 application of the juvenile and in the discretion of the court, the juvenile  
28 may be released to any appropriate private institution upon terms and  
29 conditions prescribed by the court.

30 (e) If at any time after proceedings have been suspended under this  
31 section, there are reasonable grounds to believe that a juvenile who has  
32 been adjudged incompetent is now competent, the court in which the case  
33 is pending shall conduct a hearing to determine the juvenile's present  
34 mental condition. Reasonable notice of the hearings shall be given to the  
35 prosecuting attorney, the juvenile and the juvenile's attorney of record, if  
36 any. If the court, following the hearing, finds the juvenile to be competent,  
37 the pending proceedings shall be resumed.

38 Sec. 18. K.S.A. 38-2360 is hereby amended to read as follows: 38-  
39 2360. (a) At any time after the juvenile has been adjudicated to be a  
40 juvenile offender, the court shall order one or more of the tools described  
41 in this subsection to be submitted to assist the court unless the court finds  
42 that adequate and current information from a risk and needs assessment is  
43 available from a previous investigation, report or other sources:

1 (1) An evaluation and written report by a mental health or a qualified  
2 professional stating the psychological or emotional development or needs  
3 of the juvenile. The court also may order a report from any mental health  
4 or qualified professional who has previously evaluated the juvenile stating  
5 the psychological or emotional development needs of the juvenile. If the  
6 court orders an evaluation as provided in this section, a parent of the  
7 juvenile shall have the right to obtain an independent evaluation at ~~the~~  
8 ~~expense of~~ *no cost* to the parent. If the evaluation indicates that the  
9 juvenile requires acute inpatient mental health or substance abuse  
10 treatment, the court shall have the authority to compel an assessment by  
11 the secretary for aging and disability services. The court may use the  
12 results to inform a treatment ~~and payment~~ plan according to the same  
13 eligibility process used for non-court-involved youth. *No juvenile or*  
14 *juvenile's parent, guardian or custodian shall be required to pay for*  
15 *treatment ordered by the court pursuant to this section.*

16 (2) A report of the medical condition and needs of the juvenile. The  
17 court also may order a report from any physician who has been attending  
18 the juvenile, stating the diagnosis, condition and treatment afforded the  
19 juvenile.

20 (3) An educational needs assessment of the juvenile from the chief  
21 administrative officer of the school which the juvenile attends or attended  
22 to provide to the court information that is readily available which the  
23 school officials feel would properly indicate the educational needs of the  
24 juvenile. The educational needs assessment may include a meeting  
25 involving any of the following: (A) The juvenile's parents; (B) the  
26 juvenile's teacher or teachers; (C) the school psychologist; (D) a school  
27 special services representative; (E) a representative of the commissioner;  
28 (F) the juvenile's court appointed special advocate; (G) the juvenile's foster  
29 parents or legal guardian; and (H) other persons that the chief  
30 administrative officer of the school, or the officer's designee, deems  
31 appropriate.

32 (4) Any other presentence investigation and report from a court  
33 services officer which includes: (A) The circumstances of the offense; (B)  
34 the attitude of the complainant, victim or the victim's family; (C) the  
35 record of juvenile offenses; (D) the social history of the juvenile; and (E)  
36 the present condition of the juvenile. Except where specifically prohibited  
37 by law, all local governmental public and private educational institutions  
38 and state agencies shall furnish to the officer conducting the  
39 predispositional investigation the records the officer requests.  
40 Predispositional investigations shall contain other information prescribed  
41 by the court.

42 (5) The court in its discretion may direct that the parents submit a  
43 domestic relations affidavit.

1 (b) A summary of the results from a risk and needs assessment shall  
2 be provided to the court post-adjudication, predisposition and used to  
3 inform supervision levels. A single, uniform risk and needs assessment  
4 shall be adopted by the office of judicial administration and the department  
5 of corrections to be used in all judicial districts. The office of judicial  
6 administration and the secretary of corrections shall establish cutoff scores  
7 determining risk levels of juveniles. Training on such risk and needs  
8 assessment shall be required for all administrators of the assessment. Data  
9 shall be collected on the results of the assessment to inform a validation  
10 study on the Kansas juvenile justice population to be conducted by June  
11 30, 2020.

12 (c) Expenses *and fees* for ~~post-adjudication~~ *post-adjudication* tools  
13 ~~may be waived or, including the fees described in subsections (a)(1)~~  
14 ~~through (a)(4), shall not be assessed pursuant to K.S.A. 38-2314(c)(2), and~~  
15 ~~amendments thereto against a juvenile or a juvenile's parent, guardian or~~  
16 ~~custodian.~~

17 (d) Except as otherwise prohibited by law or policy, the court shall  
18 make any of the reports ordered pursuant to subsection (a) available to the  
19 attorneys and shall allow the attorneys a reasonable time to review the  
20 report before ordering the sentencing of the juvenile offender.

21 (e) At any time prior to sentencing, the judge, at the request of a  
22 party, shall hear additional evidence as to proposals for reasonable and  
23 appropriate sentencing of the case.

24 (f) If a juvenile is being held in detention, a dispositional hearing to  
25 sentence the juvenile offender shall take place within 45 days after such  
26 juvenile offender has been adjudicated.

27 Sec. 19. K.S.A. 38-2361 is hereby amended to read as follows: 38-  
28 2361. (a) Upon adjudication as a juvenile offender pursuant to K.S.A. 38-  
29 2356, and amendments thereto, modification of sentence pursuant to  
30 K.S.A. 38-2367, and amendments thereto, or violation of a condition of  
31 sentence pursuant to K.S.A. 38-2368, and amendments thereto, the court  
32 may impose one or more of the following sentencing alternatives for a  
33 fixed period pursuant to K.S.A. 38-2369 and 38-2391, and amendments  
34 thereto.

35 (1) Place the juvenile on probation for a fixed period pursuant to  
36 K.S.A. 38-2391, and amendments thereto, subject to terms and conditions  
37 the court deems appropriate consistent with juvenile justice programs in  
38 the community. Any juvenile placed on probation shall be supervised  
39 according to the juvenile's risk and needs as determined by a risk and  
40 needs assessment. Placement of juvenile offenders to community  
41 corrections for probation supervision shall be limited to offenders  
42 adjudicated for an offense that are determined to be moderate-risk, high-  
43 risk or very high-risk on a risk and needs assessment using the cutoff

1 scores established by the secretary pursuant to K.S.A. 38-2360, and  
2 amendments thereto.

3 (2) Order the juvenile to participate in a community based program  
4 available in such judicial district subject to the terms and conditions the  
5 court deems appropriate. *No financial terms or conditions, including, but*  
6 *not limited to, payment of any costs or fees, shall be placed on the juvenile*  
7 *or the juvenile's parent, guardian or custodian for participation in such*  
8 *program.* This alternative shall not be ordered with the alternative in  
9 paragraph—(11) (9). ~~Requirements pertaining to child support may apply if~~  
10 ~~custody is vested with other than a parent.~~

11 (3) Place the juvenile in the custody of a parent or other suitable  
12 person, which is not a group home or other facility licensed pursuant to  
13 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments  
14 thereto, subject to terms and conditions consistent with juvenile justice  
15 programs in the community. *No financial terms or conditions, including,*  
16 *but not limited to, payment of any costs or fees, shall be placed on the*  
17 *juvenile or the juvenile's parent, guardian or custodian.* This alternative  
18 shall not be ordered with the alternative in paragraph—(11) (9).  
19 ~~Requirements pertaining to child support may apply if custody is vested~~  
20 ~~with other than a parent.~~

21 (4) Order the juvenile to attend counseling, educational, mediation or  
22 other sessions, or to undergo a drug evaluation pursuant to subsection (b).

23 (5) Suspend or restrict the juvenile's driver's license or privilege to  
24 operate a motor vehicle on the streets and highways of this state pursuant  
25 to subsection (c).

26 (6) Order the juvenile to perform charitable or community service  
27 work.

28 (7) Order the juvenile to make appropriate reparation or restitution  
29 pursuant to subsection (d).

30 (8)—~~Order the juvenile to pay a fine not exceeding \$1,000 pursuant to~~  
31 ~~subsection (e).~~

32 (9) Place the juvenile under a house arrest program administered by  
33 the court pursuant to K.S.A. 2022 Supp. 21-6609, and amendments  
34 thereto, *except that K.S.A. 2022 Supp. 21-6609(g), and amendments*  
35 *thereto, shall not apply. The juvenile and the juvenile's parent, guardian or*  
36 *custodian shall not be required to pay any costs or fees associated with*  
37 *house arrest, electronic monitoring or remote alcohol monitoring.*

38 (10)—~~Place the juvenile in the custody of the secretary of corrections~~  
39 ~~as provided in K.S.A. 38-2365, and amendments thereto. This alternative~~  
40 ~~shall not be ordered with the alternative in paragraph (3) or (12). Except~~  
41 ~~for mandatory drug and alcohol evaluation, when this alternative is~~  
42 ~~ordered with alternatives in paragraphs (2), (4) and (9), such orders shall~~  
43 ~~constitute a recommendation by the court. Requirements pertaining to~~

1 ~~child support shall apply under this alternative. The provisions of this~~  
2 ~~paragraph shall expire on January 1, 2018.~~

3 ~~(H)(9)~~ Upon a violation of a condition of sentence, other than a  
4 technical violation pursuant to K.S.A. 38-2368, and amendments thereto,  
5 commit the juvenile to detention for a period no longer than 30 days  
6 subject to the provisions of subsection (g).

7 (12) If the judge finds and enters into the written record that the  
8 juvenile poses a significant risk of harm to another or damage to property,  
9 and the juvenile is otherwise eligible for commitment pursuant to K.S.A.  
10 38-2369, and amendments thereto, commit the juvenile directly to the  
11 custody of the secretary of corrections for placement in a juvenile  
12 correctional facility or a youth residential facility. Placement in a youth  
13 residential facility shall only be permitted as authorized in K.S.A. 38-  
14 2369(e), and amendments thereto. If the court elects, a period of  
15 conditional release pursuant to K.S.A. 38-2369, and amendments thereto,  
16 may also be ordered. The period of conditional release shall be limited to a  
17 maximum of six months and shall be subject to graduated responses.  
18 Twenty-one days prior to the juvenile's release from a juvenile correctional  
19 facility, the secretary of corrections or designee shall notify the court of the  
20 juvenile's anticipated release date. This alternative may be ordered with the  
21 alternative in paragraph (7). ~~Requirements pertaining to child support shall~~  
22 ~~apply under this alternative.~~

23 (13) Upon a finding by the trier of fact during adjudication that a  
24 firearm was used in the commission of an offense by the accused which, if  
25 committed by an adult, would constitute a felony, a judge may commit the  
26 juvenile directly to the custody of the secretary of corrections for  
27 placement in a juvenile correctional facility or youth residential facility for  
28 a minimum term of six months and up to a maximum term of 18 months,  
29 regardless of the risk level of such juvenile as determined by a risk and  
30 needs assessment. If the juvenile is committed to the custody of the  
31 secretary, and the court elects, a period of conditional release, pursuant to  
32 K.S.A. 38-2369, and amendments thereto, may also be ordered. The period  
33 of conditional release shall be limited to a maximum of six months and  
34 shall be subject to graduated responses. Twenty-one days prior to the  
35 juvenile's release from a juvenile correctional facility or youth residential  
36 facility, the secretary of corrections or the secretary's designee shall notify  
37 the court of the juvenile's anticipated release date.

38 (b) If the court orders the juvenile to attend counseling, educational,  
39 mediation or other sessions, or to undergo a drug and alcohol evaluation  
40 pursuant to subsection (a)(4), the following provisions apply:

41 (1) The court may order the juvenile offender to participate in  
42 counseling or mediation sessions or a program of education, including  
43 placement in an alternative educational program approved by a local

1 school board. The costs of any counseling or mediation ~~may~~ *shall not* be  
2 assessed as expenses in the case. No mental health center shall charge a fee  
3 for court-ordered counseling greater than what the center would have  
4 charged the person receiving the counseling if the person had requested  
5 counseling on the person's own initiative. No mediator shall charge a fee  
6 for court-ordered mediation greater than what the mediator would have  
7 charged the person participating in the mediation if the person had  
8 requested mediation on the person's own initiative. Mediation may include  
9 the victim but shall not be mandatory for the victim; and

10 (2) if the juvenile has been adjudicated to be a juvenile by reason of a  
11 violation of a statute that makes such a requirement, the court shall order  
12 and, if adjudicated for any other offense, the court may order the juvenile  
13 to submit to and complete a drug and alcohol evaluation by a community-  
14 based drug and alcohol safety action program certified pursuant to K.S.A.  
15 8-1008, and amendments thereto, ~~and to pay a fee not to exceed the fee~~  
16 ~~established by that statute for such evaluation.~~ The court may waive the  
17 mandatory evaluation if the court finds that the juvenile completed a drug  
18 and alcohol evaluation, approved by the community-based alcohol and  
19 drug safety action program, within 12 months before sentencing. ~~If the~~  
20 ~~evaluation occurred more than 12 months before sentencing, the court~~  
21 ~~shall order the juvenile to resubmit to and complete the evaluation and~~  
22 ~~program as provided herein. If the court finds that the juvenile and those~~  
23 ~~legally liable for the juvenile's support are indigent, the court may waive~~  
24 ~~the fee. In no event shall~~ The fee *shall not* be assessed against the secretary  
25 of corrections or the department of corrections nor shall the fee be  
26 assessed against the secretary of the department for children and families  
27 or the Kansas department for children and families if the juvenile is in the  
28 secretary's care, custody and control. *The court shall not assess any fee for*  
29 *the evaluation or program, including, but not limited to, any ongoing*  
30 *required drug or alcohol testing, against the juvenile or the juvenile's*  
31 *parent, guardian or custodian.*

32 (c) If the court orders suspension or restriction of a juvenile offender's  
33 driver's license or privilege to operate a motor vehicle on the streets and  
34 highways of this state pursuant to subsection (a)(5), the following  
35 provisions apply:

36 (1) The duration of the suspension ordered by the court shall be for a  
37 definite time period to be determined by the court. Upon suspension of a  
38 license pursuant to this subsection, the court shall require the juvenile  
39 offender to surrender the license to the court. The court shall transmit the  
40 license to the division of motor vehicles of the department of revenue, to  
41 be retained until the period of suspension expires. At that time, the licensee  
42 may apply to the division for return of the license. If the license has  
43 expired, the juvenile offender may apply for a new license, which shall be

1 issued promptly upon payment of the proper fee and satisfaction of other  
2 conditions established by law for obtaining a license unless another  
3 suspension or revocation of the juvenile offender's privilege to operate a  
4 motor vehicle is in effect. As used in this subsection, "highway" and  
5 "street" ~~have the meanings provided by~~ *mean the same as defined in*  
6 K.S.A. 8-1424 and 8-1473, and amendments thereto. Any juvenile  
7 offender who does not have a driver's license may have driving privileges  
8 revoked. No Kansas driver's license shall be issued to a juvenile offender  
9 whose driving privileges have been revoked pursuant to this section for a  
10 definite time period to be determined by the court; and

11 (2) in lieu of suspending a juvenile offender's driver's license or  
12 privilege to operate a motor vehicle on the highways of this state, the court  
13 may enter an order which places conditions on the juvenile offender's  
14 privilege of operating a motor vehicle on the streets and highways of this  
15 state, a certified copy of which the juvenile offender shall be required to  
16 carry any time the juvenile offender is operating a motor vehicle on the  
17 streets and highways of this state. The order shall prescribe a definite time  
18 period for the conditions imposed. Upon entering an order restricting a  
19 juvenile offender's license, the court shall require the juvenile offender to  
20 surrender such juvenile offender's license to the court. The court shall  
21 transmit the license to the division of vehicles, together with a copy of the  
22 order. Upon receipt thereof, the division of vehicles shall issue without  
23 charge a driver's license which shall indicate on its face that conditions  
24 have been imposed on the juvenile offender's privilege of operating a  
25 motor vehicle and that a certified copy of the order imposing the  
26 conditions is required to be carried by the juvenile offender when  
27 operating a motor vehicle on the streets and highways of this state. If the  
28 juvenile offender is a nonresident, the court shall cause a copy of the order  
29 to be transmitted to the division and the division shall forward a copy of it  
30 to the motor vehicle administrator of the juvenile offender's state of  
31 issuance. The court shall furnish to any juvenile offender whose driver's  
32 license has had conditions imposed on it under this section a copy of the  
33 order, which shall be recognized as a valid Kansas driver's license until the  
34 division issues the restricted license provided for in this subsection. Upon  
35 expiration of the period of time for which conditions are imposed pursuant  
36 to this subsection, the juvenile offender may apply to the division for the  
37 return of the license previously surrendered by the juvenile offender. In the  
38 event the license has expired, the juvenile offender may apply to the  
39 division for a new license, which shall be issued immediately by the  
40 division upon payment of the proper fee and satisfaction of the other  
41 conditions established by law unless such juvenile offender's privilege to  
42 operate a motor vehicle on the streets and highways of this state has been  
43 suspended or revoked prior thereto. If any juvenile offender violates any of

1 the conditions imposed under this subsection, the juvenile offender's  
2 driver's license or privilege to operate a motor vehicle on the streets and  
3 highways of this state shall be revoked for a period as determined by the  
4 court in which the juvenile offender is convicted of violating such  
5 conditions.

6 (d) The following provisions apply to the court's determination of  
7 whether to order reparation or restitution pursuant to subsection (a)(7):

8 (1) The court shall order the juvenile to make reparation or restitution  
9 to the aggrieved party for the damage or loss caused by the juvenile  
10 offender's offense unless it finds compelling circumstances that would  
11 render a plan of reparation or restitution unworkable. If the court finds  
12 compelling circumstances that would render a plan of reparation or  
13 restitution unworkable, the court shall enter such findings with  
14 particularity on the record. In lieu of reparation or restitution, the court  
15 may order the juvenile to perform charitable or social service for  
16 organizations performing services for the community; and

17 (2) restitution may include, but shall not be limited to, the amount of  
18 damage or loss caused by the juvenile's offense. Restitution may be made  
19 by payment of an amount fixed by the court or by working for the parties  
20 sustaining loss in the manner ordered by the court. An order of monetary  
21 restitution shall be a judgment against the juvenile that may be collected  
22 by the court by garnishment or other execution as on judgments in civil  
23 cases. Such judgment shall not be affected by the termination of the court's  
24 jurisdiction over the juvenile offender.

25 ~~(e) If the court imposes a fine pursuant to subsection (a)(8), the~~  
26 ~~following provisions apply:~~

27 ~~(1) The amount of the fine may not exceed \$1,000 for each offense.~~  
28 ~~The amount of the fine should be related to the seriousness of the offense~~  
29 ~~and the juvenile's ability to pay. Payment of a fine may be required in a~~  
30 ~~lump sum or installments;~~

31 ~~(2) in determining whether to impose a fine and the amount to be~~  
32 ~~imposed, the court shall consider that imposition of a fine is most~~  
33 ~~appropriate in cases where the juvenile has derived pecuniary gain from~~  
34 ~~the offense and that imposition of a restitution order is preferable to~~  
35 ~~imposition of a fine; and~~

36 ~~(3) any fine imposed by court shall be a judgment against the juvenile~~  
37 ~~that may be collected by the court by garnishment or other execution as on~~  
38 ~~judgments in civil cases. Such judgment shall not be affected by the~~  
39 ~~termination of the court's jurisdiction over the juvenile.~~

40 (f) Before the court sentences a juvenile offender pursuant to  
41 subsection (a), the court shall administer a risk assessment tool, as  
42 described in K.S.A. 38-2360, and amendments thereto, or review a risk  
43 assessment tool that was administered within the past six months to the



1 juvenile and use the results of that assessment to inform orders made  
2 pursuant to K.S.A. 38-2369 and 38-2391, and amendments thereto.

3 ~~(g)~~(f) If the court commits the juvenile to detention pursuant to  
4 subsection ~~(a)(11)~~ (a)(9), the following provisions shall apply:

5 (1) The court shall only order commitment to detention upon  
6 violation of sentencing conditions where all other alternatives have been  
7 exhausted. *The court shall not order commitment to detention for*  
8 *nonpayment of any fine, fee, cost or restitution, including in cases where*  
9 *nonpayment constitutes a violation of sentencing conditions.*

10 (2) In order to commit a juvenile to detention upon violation of  
11 sentencing conditions, the court shall find that the juvenile poses a  
12 significant risk of harm to another or damage to property, is charged with a  
13 new felony offense; or violates conditional release. *No such finding shall*  
14 *be based in whole or in part on:*

15 (A) *Nonpayment of fines, fees, costs or other financial obligations by*  
16 *the juvenile or the juvenile's parent, guardian or custodian; or*

17 (B) *a juvenile's noncompliance with any sentencing condition that*  
18 *would require a juvenile or a juvenile's parent, guardian or custodian to*  
19 *pay money in order to comply.*

20 (3) The court shall not order commitment to detention upon  
21 adjudication as a juvenile offender pursuant to K.S.A. 38-2356, and  
22 amendments thereto, for solely technical violations of probation, contempt,  
23 a violation of a valid court order, to protect from self-harm or due to any  
24 state or county failure to find adequate alternatives.

25 (4) Cumulative detention use shall be limited to a maximum of 45  
26 days over the course of a juvenile offender's case pursuant to K.S.A. 38-  
27 2391, and amendments thereto. The court shall review any detention  
28 commitment every seven days and may shorten the initial commitment or  
29 extend the commitment. In no case, however, may the term of detention or  
30 any extension thereof exceed the cumulative detention limit of 45 days or  
31 the overall case length limit.

32 (5) A juvenile over 18 years of age and less than 23 years of age at  
33 sentencing shall be committed to a county jail, in lieu of a juvenile  
34 detention center, under the same time restrictions imposed by paragraph  
35 (1), but shall not be committed to or confined in a juvenile detention  
36 facility.

37 ~~(h)~~(g) Any order issued by the judge pursuant to this section shall be  
38 in effect immediately upon entry into the court's minutes.

39 ~~(i)~~(h) In addition to the requirements of K.S.A. 38-2373, and  
40 amendments thereto, if a person is under 18 years of age and convicted of  
41 a felony or adjudicated as a juvenile offender for an offense if committed  
42 by an adult would constitute the commission of a felony, the court shall  
43 forward a signed copy of the journal entry to the secretary of corrections

1 within 30 days of final disposition.

2 ~~(i)~~(i) Except as further provided, if a juvenile has been adjudged to be  
3 a juvenile offender for an offense which, if committed by an adult would  
4 constitute the commission of: (1) Aggravated human trafficking, as defined  
5 in K.S.A. 2022 Supp. 21-5426(b), and amendments thereto, if the victim is  
6 less than 14 years of age; (2) rape, as defined in K.S.A. 2022 Supp. 21-  
7 5503(a)(3), and amendments thereto; (3) aggravated indecent liberties with  
8 a child, as defined in K.S.A. 2022 Supp. 21-5506(b)(3), and amendments  
9 thereto; (4) aggravated criminal sodomy, as defined in K.S.A. 2022 Supp.  
10 21-5504(b)(1) or (b)(2), and amendments thereto; (5) commercial sexual  
11 exploitation of a child, as defined in K.S.A. 2022 Supp. 21-6422, and  
12 amendments thereto, if the victim is less than 14 years of age; (6) sexual  
13 exploitation of a child, as defined in K.S.A. 2022 Supp. 21-5510(a)(1) or  
14 (a)(4), and amendments thereto, if the victim is less than 14 years of age;  
15 or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A.  
16 2022 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an  
17 offense defined in paragraphs (1) through (6); the court shall issue an order  
18 prohibiting the juvenile from attending the attendance center that the  
19 victim of the offense attends. If only one attendance center exists, for  
20 which the victim and juvenile are eligible to attend, in the school district  
21 where the victim and the juvenile reside, the court shall hear testimony and  
22 take evidence from the victim, the juvenile, their families and a  
23 representative of the school district as to why the juvenile should or should  
24 not be allowed to remain at the attendance center attended by the victim.  
25 After such hearing, the court may issue an order prohibiting the juvenile  
26 from attending the attendance center that the victim of the offense attends.

27 ~~(j)~~(j) The court may order a short-term alternative placement of a  
28 juvenile pursuant to subsection (a)(3) in an emergency shelter, therapeutic  
29 foster home or community integration program if:

30 (1) Such juvenile has been adjudicated to be a juvenile offender for  
31 an offense which, if committed by an adult would constitute the  
32 commission of:

33 (A) Aggravated human trafficking, as defined in K.S.A. 2022 Supp.  
34 21-5426(b), and amendments thereto, if the victim is less than 14 years of  
35 age;

36 (B) rape, as defined in K.S.A. 2022 Supp. 21-5503, and amendments  
37 thereto;

38 (C) commercial sexual exploitation of a child, as defined in K.S.A.  
39 2022 Supp. 21-6422, and amendments thereto, if the victim is less than 14  
40 years of age;

41 (D) sexual exploitation of a child, as defined in K.S.A. 2022 Supp.  
42 21-5510(a)(1) or (a)(4), and amendments thereto, if the victim is less than  
43 14 years of age;

1 (E) aggravated indecent liberties with a child, as defined in K.S.A.  
 2 2022 Supp. 21-5506, and amendments thereto, if the victim is less than 14  
 3 years of age; or

4 (F) an attempt, conspiracy or criminal solicitation, as defined in  
 5 K.S.A. 2022 Supp. 21-5301, 21-5302 or 21-5303, and amendments  
 6 thereto, of an offense defined in paragraphs (1) through (4); and

7 (2) (A) the victim resides in the same home as the juvenile offender;

8 (B) a community supervision officer in consultation with the  
 9 department for children and families determines that an adequate safety  
 10 plan, which shall include the physical and psychological well-being of the  
 11 victim, cannot be developed to keep the juvenile in the same home; and

12 (C) there are no relevant child in need of care issues that would  
 13 permit a case to be filed under the Kansas code for care of children.

14 The presumptive term of commitment shall not extend beyond the  
 15 overall case length limit but may be modified pursuant to K.S.A. 38-2367  
 16 and 38-2397, and amendments thereto. If a child is placed outside the  
 17 child's home at the dispositional hearing pursuant to this subsection and no  
 18 reintegration plan is made a part of the record of the hearing, a written  
 19 reintegration plan shall be prepared pursuant to K.S.A. 38-2397, and  
 20 amendments thereto, and submitted to the court within 15 days of the  
 21 initial order of the court.

22 ~~(h)~~(k) The sentencing hearing shall be open to the public as provided  
 23 in K.S.A. 38-2353, and amendments thereto.

24 ~~(m)~~(l) The overall case length limit shall be calculated by the court  
 25 and entered into the written record when one or more of the sentencing  
 26 options under this section are imposed. The period fixed by the court  
 27 pursuant to subsection (a) shall not extend beyond the overall case length  
 28 limit.

29 Sec. 20. K.S.A. 38-2362 is hereby amended to read as follows: 38-  
 30 2362. (a) When sentencing a juvenile offender, the court may order a  
 31 juvenile offender's parent to participate in any evidence-based program  
 32 designed to rehabilitate the juvenile, including, but not limited to: (1)  
 33 Counseling, mediation sessions or an alcohol and drug evaluation and  
 34 treatment program ordered as part of the juvenile offender's sentence under  
 35 K.S.A. 38-2361, and amendments thereto; or (2) parenting classes.

36 (1) Upon entering an order requiring a juvenile offender's parent to  
 37 attend counseling sessions or mediation, the court shall give the parent  
 38 notice of the order. The notice shall inform the parent of the parent's right  
 39 to request a hearing within 14 days after entry of the order and the parent's  
 40 right to employ an attorney to represent the parent at the hearing or, if the  
 41 parent is financially unable to employ an attorney, the parent's right to  
 42 request the court to appoint an attorney to represent the parent.

43 (2) If the parent does not request a hearing within 14 days after entry

1 of the order, the order shall take effect at that time.

2 (3) If the parent requests a hearing, the court shall set the matter for  
3 hearing and, if requested, shall appoint an attorney to represent the parent.  
4 The expense and fees of the appointed attorney may be allowed and  
5 assessed as provided by K.S.A. 38-2306, and amendments thereto.

6 (b) ~~In addition to any other orders provided for by this section,~~ The  
7 parent of a juvenile offender ~~may~~ *shall not* be held responsible for the  
8 costs of sanctions, *including, but not limited to, the cost of a house arrest*  
9 *program, any evidence-based program ordered under subsection (a), any*  
10 *parenting class ordered under subsection (a)* or the support of the juvenile  
11 offender ~~as follows:~~

12 (1) ~~The board of county commissioners of a county may provide by~~  
13 ~~resolution that the parent of any juvenile offender placed under a house~~  
14 ~~arrest program pursuant to subsection (a)(9) of K.S.A. 38-2361, and~~  
15 ~~amendments thereto, shall be required to pay to the county the cost of such~~  
16 ~~house arrest program. The board of county commissioners shall prepare a~~  
17 ~~sliding financial scale based on the ability of the parent to pay for such a~~  
18 ~~program.~~

19 (2) ~~If child support has been requested and a parent has a duty to~~  
20 ~~support the juvenile offender, the court may order, and when custody is~~  
21 ~~placed with the commissioner shall order, one or both parents to pay child~~  
22 ~~support. The court shall determine, for each parent separately, whether the~~  
23 ~~parent already is subject to an order to pay support for the juvenile. If the~~  
24 ~~parent currently is not ordered to pay support for the juvenile and the court~~  
25 ~~has personal jurisdiction over the parent, the court shall order the parent to~~  
26 ~~pay child support in an amount determined under K.S.A. 38-2319, and~~  
27 ~~amendments thereto. Except for good cause shown, the court shall issue an~~  
28 ~~immediate income withholding order pursuant to K.S.A. 2022 Supp. 23-~~  
29 ~~3101 et seq., and amendments thereto, for each parent ordered to pay~~  
30 ~~support under this subsection, regardless of whether a payor has been~~  
31 ~~identified for the parent. A parent ordered to pay child support under this~~  
32 ~~subsection shall be notified, at the hearing or otherwise, that the child~~  
33 ~~support order may be registered pursuant to K.S.A. 38-2321, and~~  
34 ~~amendments thereto. The parent also shall be informed that, after~~  
35 ~~registration, the income withholding order may be served on the parent's~~  
36 ~~employer without further notice to the parent and the child support order~~  
37 ~~may be enforced by any method allowed by law. Failure to provide this~~  
38 ~~notice shall not affect the validity of the child support order~~ *when placed*  
39 *out of the home.*

40 Sec. 21. K.S.A. 38-2369 is hereby amended to read as follows: 38-  
41 2369. (a) Except as provided in subsection (e) and K.S.A. 38-2361(a)(13)  
42 (11), for the purpose of committing juvenile offenders to a juvenile  
43 correctional facility, upon a finding by the judge entered into the written

1 order that the juvenile poses a significant risk of harm to another or  
2 damage to property, the following placements shall be applied by the judge  
3 in the cases specified in this subsection. If used, the court shall establish a  
4 specific term of commitment as specified in this subsection. The term of  
5 commitment established by the court shall not exceed the overall case  
6 length limit. Before a juvenile offender is committed to a juvenile  
7 correctional facility pursuant to this section, the court shall administer a  
8 risk assessment tool, as described in K.S.A. 38-2360, and amendments  
9 thereto, or review a risk assessment tool that was administered within the  
10 past six months to the juvenile.

11 (1) *Violent Offenders.* (A) The violent offender I is defined as an  
12 offender adjudicated as a juvenile offender for an offense which, if  
13 committed by an adult, would constitute an off-grid felony. Offenders in  
14 this category may be committed to a juvenile correctional facility for a  
15 minimum term of 60 months and up to a maximum term of the offender  
16 reaching the age of 22 years, six months. The aftercare term for this  
17 offender is set at a minimum term of six months and up to a maximum  
18 term of the offender reaching the age of 23 years.

19 (B) The violent offender II is defined as an offender adjudicated as a  
20 juvenile offender for an offense which, if committed by an adult, would  
21 constitute a nondrug severity level 1, 2 or 3 felony. Offenders in this  
22 category may be committed to a juvenile correctional facility for a  
23 minimum term of 24 months and up to a maximum term of the offender  
24 reaching the age of 22 years, six months. The aftercare term for this  
25 offender is set at a minimum term of six months and up to a maximum  
26 term of the offender reaching the age of 23 years.

27 (2) *Serious Offenders.* (A) The serious offender I is defined as an  
28 offender adjudicated as a juvenile offender for an offense which, if  
29 committed by an adult, would constitute a nondrug severity level 4, person  
30 felony.

31 Offenders in this category may be committed to a juvenile correctional  
32 facility for a minimum term of 18 months and up to a maximum term of 36  
33 months. The aftercare term for this offender is set at a minimum term of  
34 six months and up to a maximum term of 24 months.

35 (B) The serious offender II is defined as an offender adjudicated as a  
36 juvenile offender for an offense:

37 (i) Committed prior to July 1, 2012, which, if committed by an adult  
38 prior to July 1, 2012, would constitute a drug severity level 1 or 2 felony;  
39 or

40 (ii) committed on or after July 1, 2012, which, if committed by an  
41 adult on or after July 1, 2012, would constitute a drug severity level 1, 2 or  
42 3 felony or a nondrug severity level 5 or 6 person felony.

43 Offenders in this category may be committed to a juvenile correctional

1 facility for a minimum term of nine months and up to a maximum term of  
2 18 months.

3 (C) The serious offender III is defined as an offender adjudicated as a  
4 juvenile offender for an offense which, if committed by an adult, would  
5 constitute a nondrug severity level 7, 8, 9 or 10 person felony with one  
6 prior felony adjudication. Offenders in this category may only be  
7 committed to a juvenile correctional facility if such offenders are assessed  
8 as high-risk on a risk and needs assessment. Offenders in this category  
9 may be committed to a juvenile correctional facility for a minimum term  
10 of six months and up to a maximum term of 12 months.

11 (3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is  
12 defined as an offender adjudicated as a juvenile offender for an offense:

13 (i) Which, if committed by an adult, would constitute one present  
14 nonperson felony adjudication and two prior felony adjudications;

15 (ii) committed prior to July 1, 2012, which, if committed by an adult  
16 prior to July 1, 2012, would constitute one present drug severity level 3  
17 felony adjudication and two prior felony adjudications; or

18 (iii) committed on or after July 1, 2012, which, if committed by an  
19 adult on or after July 1, 2012, would constitute one present drug severity  
20 level 4 felony adjudication and two prior felony adjudications.

21 Offenders in this category may only be committed to a juvenile  
22 correctional facility if such offenders are assessed as high-risk on a risk  
23 and needs assessment. Offenders in this category may be committed to a  
24 juvenile correctional facility for a minimum term of six months and up to a  
25 maximum term of 12 months.

26 (b) *Conditional Release.* If the court elects, a period of conditional  
27 release may also be ordered pursuant to K.S.A. 38-2361, and amendments  
28 thereto. The period of conditional release shall be limited to a maximum of  
29 six months and shall be subject to graduated responses. The presumption  
30 upon release shall be a return to the juvenile's home, unless the case plan  
31 developed pursuant to K.S.A. 38-2373, and amendments thereto,  
32 recommends a different reentry plan.

33 (1) Upon finding the juvenile violated a requirement or requirements  
34 of conditional release, the court may enter one or more of the following  
35 orders:

36 (A) Recommend additional conditions be added to those of the  
37 existing conditional release.

38 (B) Order the offender to serve a period of detention pursuant to  
39 K.S.A. 38-2361(~~g~~)(f), and amendments thereto.

40 (C) Revoke or restrict the juvenile's driving privileges as described in  
41 K.S.A. 38-2361(c), and amendments thereto.

42 (2) Discharge the offender from the custody of the secretary of  
43 corrections, release the secretary of corrections from further

1 responsibilities in the case and enter any other appropriate orders.

2 (c) As used in this section "adjudication" includes out-of-state  
3 juvenile adjudications. An out-of-state offense, which if committed by an  
4 adult would constitute the commission of a felony or misdemeanor, shall  
5 be classified as either a felony or a misdemeanor according to the  
6 adjudicating jurisdiction. If an offense which if committed by an adult  
7 would constitute the commission of a felony is a felony in another state, it  
8 will be deemed a felony in Kansas. The state of Kansas shall classify the  
9 offense, which if committed by an adult would constitute the commission  
10 of a felony or misdemeanor, as person or nonperson. In designating such  
11 offense as person or nonperson, reference to comparable offenses shall be  
12 made. If the state of Kansas does not have a comparable offense, the out-  
13 of-state adjudication shall be classified as a nonperson offense.

14 (d) The secretary of corrections shall work with the community to  
15 provide on-going support and incentives for the development of additional  
16 evidence-based community practices and programs to ensure that the  
17 juvenile correctional facility is not frequently utilized.

18 (e) There shall be a rebuttable presumption that all offenders in the  
19 chronic offender category and offenders at least 10 years of age but less  
20 than 14 years of age in the serious offender II or III category, shall be  
21 placed in the custody of the secretary for placement in a youth residential  
22 facility in lieu of placement in the juvenile correctional facility. This  
23 presumption may be rebutted by a finding on the record that the juvenile  
24 offender poses a significant risk of physical harm to another.

25 Sec. 22. K.S.A. 38-2373 is hereby amended to read as follows: 38-  
26 2373. (a) *Actions by the court.* (1) When a juvenile offender has been  
27 committed to a juvenile correctional facility, the clerk of the court shall  
28 promptly notify the secretary of corrections of the commitment and  
29 provide the secretary with a certified copy of the complaint, the journal  
30 entry of the adjudication and sentencing. The court shall provide those  
31 items from the social file which could relate to a rehabilitative program. If  
32 the court wishes to recommend placement of the juvenile offender in a  
33 specific juvenile correctional facility, the recommendation shall be  
34 included in the sentence. After the court has received notice of the juvenile  
35 correctional facility designated as provided in subsection (b), it shall be the  
36 duty of the court or the sheriff of the county to deliver the juvenile  
37 offender to the facility at the time designated by the secretary.

38 (2) When a juvenile offender is residing in a juvenile correctional  
39 facility and is required to go back to court for any reason, the county  
40 demanding the juvenile's presence shall be responsible for transportation,  
41 detention, custody and control of such offender. In these cases, the county  
42 sheriff shall be responsible for all transportation, detention, custody and  
43 control of such offender.

1 (b) *Actions by the secretary.* (1) Within three days, excluding  
2 Saturdays, Sundays and legal holidays, after receiving notice of  
3 commitment as provided in subsection (a), the secretary shall notify the  
4 committing court of the facility to which the juvenile offender should be  
5 conveyed, and when to effect the immediate transfer of custody and  
6 control to the department of corrections. The date of admission shall be no  
7 more than five days, excluding Saturdays, Sundays and legal holidays,  
8 after the notice to the committing court. Until received at the designated  
9 facility, the continuing detention, custody, and control of and transport for  
10 a juvenile offender sentenced to a direct commitment to a juvenile  
11 correctional facility shall be the responsibility of the committing county.

12 (2) Except as provided by K.S.A. 38-2332, and amendments thereto,  
13 the secretary may make any temporary out-of-home placement the  
14 secretary deems appropriate pending placement of the juvenile offender in  
15 a juvenile correctional facility, and the secretary shall notify the court,  
16 local law enforcement agency and school district in which the juvenile will  
17 be residing if the juvenile is still required to attend a secondary school of  
18 that placement.

19 (c) *Transfers.* During the time a juvenile offender remains committed  
20 to a juvenile correctional facility, the secretary may transfer the juvenile  
21 offender from one juvenile correctional facility to another.

22 (d) *Case planning.* For all juveniles committed to a juvenile  
23 correctional facility pursuant to K.S.A. 38-2361(a)(~~H~~)(10), and  
24 amendments thereto, a case plan shall be developed with input from the  
25 juvenile and the juvenile's family. For all those committed upon violation  
26 of a condition of sentence pursuant to K.S.A. 38-2368, and amendments  
27 thereto, the case plan developed with the juvenile's community supervision  
28 officer shall be revised to reflect the new disposition. The department for  
29 children and families, the local school district in which the juvenile  
30 offender will be residing and community supervision officers may also  
31 participate in the development or revision of the case plan when  
32 appropriate. The case plan shall incorporate the results of the risk and  
33 needs assessment, the programs and education to complete while in  
34 custody and shall clearly define the role of each person or agency working  
35 with the juvenile. The case plan shall include a reentry section, detailing  
36 services, education, supervision or any other elements necessary for a  
37 successful transition. The reentry section of the case plan shall also include  
38 information on reintegration of the juvenile into such juvenile's family or,  
39 if reintegration is not a viable alternative, another viable release option. If  
40 the juvenile is to be placed on conditional release pursuant to K.S.A. 38-  
41 2369, the case plan shall be developed with the community supervision  
42 officer.

43 Sec. 23. K.S.A. 38-2384 is hereby amended to read as follows: 38-



1 2384. When an appeal is taken pursuant to this code, fees of an attorney  
2 appointed to represent the juvenile offender shall be fixed by the district  
3 court. The fees, together with the costs of transcripts and records on  
4 appeal, shall be ~~taxed as expenses on appeal~~ *paid from the county general*  
5 *fund and shall not be subject to reimbursement by the juvenile or the*  
6 *juvenile's parent, guardian or custodian. The court on appeal may assess*  
7 *the fees and expenses against the appealing party or order that they be paid*  
8 *from the county general fund. When the court orders the fees and expenses*  
9 *assessed against the appealing party:*

10 (a) ~~The fees and expenses shall be paid from the county general fund,~~  
11 ~~subject to reimbursement by the appealing party; and~~

12 (b) ~~the county may enforce the order as a civil judgment, except the~~  
13 ~~county shall not be required to pay the docket fee or fee for execution.~~

14 Sec. 24. K.S.A. 38-2389 is hereby amended to read as follows: 38-  
15 2389. (a) *Findings and purpose.* The following findings and declaration of  
16 purpose apply to this section.

17 (1) The legislature finds that personal and familial circumstances may  
18 contribute to the commission of offenses by juveniles who represent a  
19 minimal threat to public safety and that in such cases it would further the  
20 interests of society and the juvenile to take an approach to adjudication  
21 that combines less formal procedures, appropriate disciplinary sanctions  
22 for misconduct and the provision of necessary services.

23 (2) It is the purpose of this section to provide prosecutors with an  
24 alternative means of adjudication for juvenile offenders who present a  
25 minimal threat to public safety and both the juvenile and society would  
26 benefit from such approach.

27 (b) *Designation.* A county or district attorney with jurisdiction over  
28 the offense who believes that proceedings under this section are  
29 appropriate may, in such county or district attorney's discretion, designate  
30 any alleged juvenile offender for adjudication under this section and not  
31 seek application of a placement within the placement matrix pursuant to  
32 K.S.A. 38-2369, and amendments thereto, if the alleged juvenile has fewer  
33 than two prior adjudications.

34 (1) The county or district attorney shall make such designation in the  
35 original complaint or by written notice filed with the court and served on  
36 the juvenile, the juvenile's counsel and the juvenile's parent or legal  
37 guardian within 14 days after the filing of the complaint.

38 (2) The filing of a written application for immediate intervention  
39 under K.S.A. 38-2346, and amendments thereto, shall toll the running of  
40 the 14-day period and shall resume upon the issuance of a written denial of  
41 diversion.

42 (3) If the county or district attorney makes such designation, the  
43 juvenile may be referred to an immediate intervention program established

1 pursuant to K.S.A. 38-2346, and amendments thereto, and in compliance  
2 with the standards and procedures developed pursuant to K.S.A. 38-2396,  
3 and amendments thereto.

4 (c) *Exceptions.* Except as provided in this subsection, the provisions  
5 of the revised Kansas juvenile justice code, K.S.A. 38-2301 et seq., and  
6 amendments thereto, shall apply in any adjudication under this section.

7 (1) If during the proceedings the court determines that there is  
8 probable cause to believe that the juvenile is a child in need of care as  
9 defined by K.S.A. 38-2202, and amendments thereto, the court shall refer  
10 the matter to the county or district attorney, who shall file a petition as  
11 provided in K.S.A. 38-2234, and amendments thereto, and refer the family  
12 to the Kansas department for children and families for services. If the child  
13 in need of care case is presided over by a different judge, the county or  
14 district attorney shall notify the court presiding over the proceedings under  
15 this section of pertinent orders entered in the child in need of care case.

16 (2) Notwithstanding any other provision of law, no juvenile shall be  
17 committed to a juvenile correctional facility pursuant to K.S.A. 38-2361(a)  
18 ~~(H)~~(9), and amendments thereto, for an offense adjudicated under this  
19 section or for the violation of a term or condition of the disposition for  
20 such an offense.

21 (3) Notwithstanding any other provision of law, no adjudication under  
22 this section or violation of the terms and conditions of the disposition shall  
23 be used against the juvenile in a proceeding on a subsequent offense  
24 committed as a juvenile or as an adult. For purposes of this section, "used  
25 against the juvenile" includes, but is not limited to, establishing an element  
26 of a subsequent offense, raising the severity level of a subsequent offense  
27 or enhancing the sentence for a subsequent offense.

28 (4) Upon completion of the case and the termination of the court's  
29 jurisdiction, the court shall order the adjudication expunged, and the  
30 provisions of K.S.A. 38-2312(a), (b), (c), (d), (e), (i), (k) and (l), and  
31 amendments thereto, shall not apply to such expungement.

32 (5) Notwithstanding any other provision of law, a juvenile shall not  
33 be required to register as an offender under the Kansas offender  
34 registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a  
35 result of adjudication under this section.

36 (6) The provisions of K.S.A. 38-2309 and 38-2310, and amendments  
37 thereto, shall not apply to proceedings under this section.

38 (7) The provisions of K.S.A. 38-2347, and amendments thereto, shall  
39 not apply to proceedings under this section.

40 (8) The provisions of K.S.A. 38-2304(g)(1), and amendments thereto,  
41 shall not apply to proceedings under this section.

42 (9) The trial of offenses under this section shall be to the court and  
43 the right to a trial by jury under K.S.A. 38-2357, and amendments thereto,

1 shall not apply.

2 (d) *Withdrawal*. At any time prior to the beginning of a hearing at  
3 which the court may enter an order adjudicating the child as a juvenile  
4 offender, the county or district attorney may withdraw the designation for  
5 proceedings under this section by providing notice to the court, the  
6 juvenile, the juvenile's attorney and guardian ad litem, if any, and the  
7 juvenile's parent or legal guardian. Upon withdrawal of the designation,  
8 this section shall no longer apply and the case shall proceed and the court  
9 shall grant a continuance upon request.

10 (e) *Appeal*. An adjudication under this section is an appealable order  
11 pursuant to K.S.A. 38-2380, and amendments thereto.

12 (f) This section shall be part of and supplemental to the revised  
13 Kansas juvenile justice code.

14 Sec. 25. K.S.A. 38-2396 is hereby amended to read as follows: 38-  
15 2396. (a) When a juvenile is placed outside the juvenile's home at a  
16 dispositional hearing pursuant to K.S.A. 38-2361~~(k)~~(j), and amendments  
17 thereto, and no reintegration plan is made a part of the record of the  
18 hearing, a written reintegration plan shall be prepared and submitted to the  
19 court within 15 days of the initial order of the court.

20 (b) The plan shall be prepared by the person who has custody or, if  
21 directed by the court, by a community supervision officer.

22 (c) If there is a lack of agreement among persons necessary for the  
23 success of the plan, the person or entity having custody of the child shall  
24 notify the court, and the court shall set a hearing pursuant to K.S.A. 38-  
25 2367, and amendments thereto.

26 (d) This section shall be part of and supplemental to the revised  
27 Kansas juvenile justice code.

28 (e) This section shall take effect on and after July 1, 2017.

29 Sec. 26. K.S.A. 38-2399 is hereby amended to read as follows: 38-  
30 2399. (a) The secretary of corrections may contract for use of not more  
31 than 50 non-foster home beds in youth residential facilities for placement  
32 of juvenile offenders pursuant to K.S.A. 38-2361(a)~~(13)~~(10), and  
33 amendments thereto.

34 (b) When contracting for services, the secretary shall:

35 (1) Contract with facilities that have high success rates and decrease  
36 recidivism rates for juvenile offenders;

37 (2) consider contracting for bed space across the entire state to lower  
38 the cost of transportation of juvenile offenders; and

39 (3) give priority to existing facilities that are able to meet the  
40 requirements of the secretary for providing residential services to juvenile  
41 offenders.

42 (c) This section shall take effect on and after January 1, 2018.

43 Sec. 27. K.S.A. 75-724 is hereby amended to read as follows: 75-724.

1 (a) Any person convicted ~~or adjudicated~~ of an offense that, pursuant to  
2 K.S.A. 21-2511, and amendments thereto, requires submission of a DNA  
3 sample upon arrest, charging or placement in custody, shall pay a separate  
4 court cost of \$200 as a Kansas bureau of investigation DNA database fee  
5 upon conviction ~~or adjudication~~.

6 (b) The court shall order such fees regardless of whether the person's  
7 DNA sample was already on file with the Kansas bureau of investigation  
8 at the time such person was arrested, charged or placed in custody, unless  
9 the person can prove to the court that the person: (1) Has paid such fees in  
10 connection with a prior conviction or adjudication; and (2) did not submit  
11 specimens of blood or an oral or other biological sample authorized by the  
12 Kansas bureau of investigation to the Kansas bureau of investigation for  
13 the current offense of conviction ~~or adjudication~~.

14 (c) The court shall not lessen or waive such fees unless the court has  
15 determined such person is indigent and the basis for the court's  
16 determination is reflected in the court's order.

17 (d) Such fees shall be in addition to and not in substitution for any  
18 and all fines and penalties otherwise provided for by law for such offense.

19 (e) Disbursements from the Kansas bureau of investigation DNA  
20 database fee deposited into the DNA database fee fund of the Kansas  
21 bureau of investigation shall be made for the following:

22 (1) Providing DNA laboratory services;

23 (2) the purchase and maintenance of equipment for use by the  
24 laboratory in performing DNA analysis; and

25 (3) education, training and scientific development of Kansas bureau  
26 of investigation personnel regarding DNA analysis.

27 (f) Expenditures from the DNA database fee fund shall be made upon  
28 warrants of the director of accounts and reports issued pursuant to  
29 vouchers approved by the attorney general or by a person or persons  
30 designated by the attorney general.

31 (g) All fees shall be remitted to the state treasurer in accordance with  
32 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
33 of each such remittance, the state treasurer shall deposit the entire amount  
34 in the state treasury to the credit of the DNA database fee fund, which is  
35 hereby established in the state treasury.

36 (h) Fees received into this fund shall be supplemental to regular  
37 appropriations to the Kansas bureau of investigation.

38 (i) *The fee required by this section shall not be assessed to a juvenile*  
39 *who is being adjudicated as a juvenile offender for an offense that requires*  
40 *submission of a DNA sample or to such juvenile's parent, guardian or*  
41 *custodian.*

42 Sec. 28. K.S.A. 12-16,119, 20-3129, 28-170, 28-170a, 28-176, 38-  
43 2306, 38-2312, 38-2314, 38-2315, 38-2317, 38-2319, 38-2321, 38-2324,

1 38-2328, 38-2331, 38-2346, 38-2348, 38-2360, 38-2361, 38-2362, 38-  
2 2369, 38-2373, 38-2384, 38-2389, 38-2396, 38-2399 and 75-724 and  
3 K.S.A. 2022 Supp. 20-167, 21-6609, 22-4905 and 28-177 are hereby  
4 repealed.

5 Sec. 29. This act shall take effect and be in force from and after its  
6 publication in the statute book.