

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 73**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

House Sub. for SB 73 would create and amend law regarding the assessment of and provision of services to children in the child welfare and juvenile justice systems; cumulative detention and overall case length limits and probation violation sanctions under the Revised Kansas Juvenile Justice Code (Juvenile Code); exchange of confidential data within the juvenile justice system; and use of funds from the Evidence-based Programs Account of the State General Fund.

***Memorandum of Understanding (New Section 1)***

The bill would require a memorandum of understanding (MOU) to be entered into by the Secretary of Corrections and the Secretary for Children and Families by October 1, 2023, to coordinate administering a risk and needs assessment to children identified as exhibiting behavior that could lead to offending behaviors during the course of a child in need of care (CINC) proceeding. The MOU would include procedures for allowing identified children to participate in programs funded by the Evidence-based Programs Account. The bill would require a copy of the MOU to be provided to the Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO), House Committee on Corrections and Juvenile Justice, and Senate Committee on Judiciary.

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

***Collaboration Between Agencies (Sections 2 and 3)***

The bill would amend the Revised Code for Care of Children (CINC Code) and the Juvenile Code to require, if a child, juvenile, or juvenile offender is eligible to receive services from the Department for Children and Families (DCF), the Kansas Department of Corrections (KDOC), or the Judicial Branch, that these agencies collaborate to provide such services. The bill would state that nothing in the CINC Code provision or in the Juvenile Code would preclude the eligible child from accessing services by the listed agencies or any other state agency if the child is otherwise eligible for services.

In the Juvenile Code, this provision would replace a provision requiring collaboration between KDOC and the Secretary for Children and Families to furnish services.

***Juvenile Code Case Length and Detention Limits  
(Sections 4 and 5)***

The bill would amend the overall case length and probation length limits for juvenile offenders. The court would be able to extend the overall case length limit to allow for completion of an evidence-based program if the juvenile's delay is the reason for failure to complete the evidence-based program. Such extensions could only be granted incrementally.

The bill would also amend the maximum cumulative detention limit to 90 days from 45 days. [*Note:* Under continuing law, there is no limit on cumulative detention for juvenile offenders adjudicated for a felony which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.]

***Graduated Sanctions for Juvenile Probation Violations  
(Section 6)***

The bill would amend the Juvenile Code to allow a judge to commit a juvenile, who is on probation, to detention for a probation violation and for contempt of court. The detention period could not exceed 24 hours for the first violation, 48 hours for the second violation, and 15 days for the third or subsequent violation.

***Confidential Data Exchange System (Section 7)***

The bill would require KDOC to develop a system or contract with an entity by July 1, 2025, to facilitate the exchange of confidential information among all parts of the juvenile justice system. KDOC would be required to report to the JCCJJO, House Committee on Appropriations, Senate Committee on Judiciary, Senate Committee on Ways and Means, and House Committee on Corrections and Juvenile Justice on the progress of the system development by the first day of the 2024 Legislative Session.

***Amendments to Evidence-Based Programs Account  
(Section 8)***

The bill would amend the Evidence-based Programs Account to expand allowable expenditures to include evidence-based community programs and practices for:

- Juvenile offenders and their families;
- Children who have been administered the risk and needs assessment and have been identified as needing services pursuant to Section 1 of the bill; and
- Grants under provisions described below.

The bill would expand those eligible to administer such programs and practices to include community mental health centers and any other community-based service provider offering evidence-based community programs.

The bill would require the Secretary of Corrections to develop and implement a grant program with the goal of implementing evidence-based community programs throughout the state. The Secretary would be required to adopt grant requirements and to evaluate grant-funded programs to ensure the program is being delivered as intended. Any provider of evidence-based community programs for juveniles could apply for a grant, and priority would be given to any county that demonstrates low availability of evidence-based community programs for juveniles.

The bill would require expenditures made from the Evidence-based Programs Account to be made promptly and on a rolling basis to develop and implement evidence-based community programs as services are needed throughout the state.

## **Background**

The House Committee on Corrections and Juvenile Justice recommended a substitute bill incorporating the provisions contained in HB 2021, as amended by the House Committee.

SB 73, as recommended by the Senate Committee on Judiciary, would have amended the elements of the crimes of burglary and aggravated burglary.

[*Note:* The House Committee placed the contents of SB 73 as introduced into SB 174, as amended by the House Committee on Corrections and Juvenile Justice.]

## **HB 2021**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Owens.

### *House Committee on Corrections and Juvenile Justice*

In the House Committee hearing on January 30, 2023, representatives of the Children’s Alliance of Kansas, Kansas Association of Court Services Officers, Kansas Community Corrections Association, KVC Kansas, and Saint Francis Ministries; a Sedgwick County commissioner; and a private citizen testified as **proponents** of the bill. The proponents stated the bill would foster greater communication between agencies and maximize resources for juveniles and their families.

Written-only proponent testimony was provided by representatives of the Association of Community Mental Health Centers of Kansas; Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and TFI Family Services, Inc., and by a private citizen.

A representative of KDOC and DCF provided written-only neutral testimony.

**Opponent** testimony was provided by a representative of Kansas Appleseed and by four private citizens. The opponents generally stated that studies have proven more detention for juveniles is detrimental to their future, and many juveniles get held in contempt of court for angering the adults involved in the court system.

Written-only opponent testimony was provided by representatives of ACLU–Kansas, Destination Innovation, Inc., Justice Action Network, Juvenile Law Center, Kansas Advisory Group Executive Committee, and The Gault Center.

No other testimony was provided.

The House Committee amended the bill to remove technical violations from the types of violations for which a judge could commit a juvenile to detention for a probation violation. Additionally, the Committee amended the bill to allow KDOC to contract with another entity for the electronic record system, and to require the system to include a verification system operated by KDOC to verify authenticity and validity of electronic records.

### **Fiscal Information**

According to the fiscal note prepared by the Division of Budget on HB 2021, as introduced, KDOC indicates enactment of the bill would require additional costs that the agency is unable to estimate. Additional expenditures would come from training DCF staff to administer risk and needs assessments, additional children served by funded grant programs, increased sentence lengths resulting in increased community corrections caseloads, design and development of new information technology systems or additional functionality to current systems, and increased administrative costs for staffing to manage more grants and grantees. The additional expenditures would be paid from the current balance of the Evidence-based Programs Fund or a new State General Fund appropriation if the Evidence-based Programs Fund balance is unavailable.

The DCF indicates enactment of the bill would not increase agency expenditures for the risk and needs assessment tool since it is available from KDOC. If the use or licensing of the risk and needs assessment tool is required, then the agency indicates that approximately 600 youth would be affected, and the associated costs would be added to the foster care program budget as part of the consensus caseload budget process. It is estimated that those increases could range between \$6,000 to \$15,000 per family from all

funding sources, including \$3,000 to \$7,500 from the State General Fund.

The Office of Judicial Administration (OJA) indicates enactment of the bill could potentially increase expenditures due to the increase in workload for court services officers to perform risk and needs assessments and any associated costs for providing the assessments. The OJA could not estimate a fiscal effect.

Any fiscal effect associated with enactment of HB 2021 is not reflected in *The FY 2024 Governor's Budget Report*.

Children in need of care; juvenile offenders; risk and needs assessment; case length; detention; evidence-based programs; evidence-based programs account; Department of Children and Families; Department of Corrections; Judicial Branch