

SESSION OF 2011

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 23

As Recommended by Senate Committee on  
Judiciary

### **Brief\***

SB 23 would establish a statutory right to jury trial for juvenile offenders and provide a jury trial procedure within the revised Kansas Juvenile Justice Code. The procedural provisions would be borrowed from the statutes governing adult jury trials, with some modifications. The principal differences from the adult jury trial provisions would be:

- A juvenile would have to request a jury trial in every case, within 30 days from the entry of a plea of not guilty. In adult felony cases, trial by jury is automatic unless waived.
- A juvenile would not have the right to personally participate in voir dire. Adult defendants have this right.

### **Background**

The Kansas Judicial Council requested the Senate Judiciary Committee introduce SB 23 to respond to the Kansas Supreme Court's decision in *In re L.M.*, 286 Kan. 460, 186 P.3d 164 (2008), holding that juveniles have a right to jury trials.

In the Senate Judiciary Committee, a representative of the Kansas Judicial Council appeared in support of SB 23, explaining that SB 23 largely borrows jury trial procedural provisions from the Criminal Code. The conferee stated that

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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>

due to some historical differences in the structure and goals of the juvenile justice system, the Judicial Council juvenile offender advisory committee recommended that juveniles be required to request a jury trial, even in felony cases. The advisory committee also recommended that juveniles not be permitted to personally participate in voir dire. No opponents provided testimony. The Senate Committee made no changes to the bill and recommended it be passed.

The fiscal note on the bill states the bill has the potential to increase litigation in the courts and therefore have a fiscal effect on the court system, although a precise fiscal effect cannot be determined. It is unlikely the fiscal effect would require additional resources. The Juvenile Justice Authority indicates there would be no fiscal effect on its agency operations. Any fiscal effect is not reflected in *The FY 2012 Governor's Budget Report*.