

SESSION OF 2014

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 329**

As Agreed to April 3, 2014

Brief*

SB 329 would amend the statute of limitations for juvenile offenses and law regarding permissible orders when sentencing a juvenile offender, as follows.

The bill would amend the statute of limitations for several offenses under the Kansas Juvenile Justice Code. Proceedings for rape, aggravated criminal sodomy, capital murder, terrorism, or illegal use of weapons of mass destruction could be commenced at any time.

Proceedings for an act that would constitute a sexually violent crime if committed by an adult could commence within 10 years when the victim is 18 years old or older. When the victim is younger than 18 years old, the bill would allow for such proceedings to commence within 10 years of the date the victim turns 18 years of age. The bill would not affect existing law allowing a proceeding for such offenses to be brought within one year of the date the identity of the suspect is conclusively established through DNA testing, if such period is later than the limitation period otherwise provided.

The bill would define, for purposes of the statute of limitations, when an offense is considered to be committed and the limitation period starts to run, as well as when a proceeding is considered to have commenced.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Finally, the bill would allow a court, when sentencing a juvenile offender, to order the offender's parent to participate in "any evidence-based program designed to rehabilitate the juvenile," including, but not limited to, programs listed in current law. The revised Juvenile Justice Code currently allows a court to order the offender's parent to participate in counseling, mediation sessions, an alcohol and drug evaluation and treatment program, or parenting classes.

Conference Committee Action

The Conference Committee agreed to the House amendments to SB 329, regarding orders related to the sentencing of juvenile offenders. The Conference Committee further agreed to add the contents of SB 258, as amended by the House Committee on Judiciary and passed by the House, regarding the statute of limitations for juvenile offenses.

Background

SB 329 was introduced by the Senate Committee on Judiciary at the request of Senator Knox and the Fifth Judicial District. As introduced, the bill would have allowed a court to order an offender's parent to participate in a "court sponsored program designed to rehabilitate a juvenile" offender other than those listed in current law. In the Senate Committee hearing, a district judge from the Fifth Judicial District testified in support of the bill, stating it would provide more flexibility for the District's Home Court program. There was no opponent testimony.

The Senate Committee recommended the bill be placed on the consent calendar.

In the House Committee on Corrections and Juvenile Justice, Representative Hill testified in support of the bill. A district judge from the Fifth Judicial District and the Secretary

of Corrections submitted written testimony supporting the bill. The House Committee amended the bill to permit a court to order participation in any evidence-based program.

The House Committee of the Whole amended the bill to specify that any court-ordered program must be “designed to rehabilitate the juvenile.”

The fiscal note prepared by the Division of the Budget on SB 329, as introduced, indicates the bill would have no fiscal effect.

Background of SB 258

SB 258 was introduced by the Senate Judiciary Committee at the request of the Kansas County and District Attorneys’ Association (KCDAA). Before the Committee, a representative of the KCDAA testified in support of the bill, stating it would bring the statute of limitations for juvenile proceedings for rape, aggravated criminal sodomy, and sexually violent offenses in line with recent changes to the statute of limitations for these offenses in the criminal code. There was no opponent testimony.

Before the House Committee on Judiciary, the same conferee testified in support of the bill. To bring the juvenile provisions further in line with the adult statute of limitations, the House Committee amended the bill to allow proceedings for capital murder, terrorism, and illegal use of weapons of mass destruction to commence at any time and to add provisions regarding when an offense is considered to have been committed and a proceeding is considered to have commenced. The amendment also modified a reference to juvenile proceedings to make it consistent with the rest of the statute.

According to the fiscal note prepared by the Division of the Budget on SB 258, as introduced, the Office of Judicial Administration indicates the bill could increase the number of

district court cases and appeals, increasing the time required by court personnel in handling the cases and appeals. The additional cases also could increase docket fee revenue. However, a precise fiscal effect cannot be determined. The Department of Corrections indicates the bill would have no fiscal effect on juvenile services or the juvenile correctional facilities.

Any fiscal effect associated with SB 258 is not reflected in *The FY 2015 Governor's Budget Report*.

Kansas Juvenile Justice Code; court programs; crimes and criminal matters

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