

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Corrections and Juvenile Justice** recommends **SB 367**, as amended by Senate Committee of the Whole, be amended on page 2, in line 38, by striking "only"; in line 41, after the period by inserting "The court may also extend the term of probation for good cause shown for two months for low-risk offenders, four months for moderate-risk offenders and six months for high-risk offenders.";

On page 3, in line 15, by striking "30" and inserting "45";

On page 5, in line 29, by striking "governor" and inserting "attorney general"; also in line 29, by striking "and"; in line 30, by striking "member" and inserting "attorney"; in line 31, by striking "governor" and inserting "attorney general"; in line 34, by striking "January 1, 2017" and inserting "September 1, 2016"; in line 35, by striking "90" and inserting "60";

On page 6, in line 13, by striking "and"; in line 20, by striking the period and inserting a semicolon; in line 26, by striking "(C)"; following line 27, by inserting:

"(C) juvenile due process rights, including, but not limited to, the development of rights to a speedy trial and preliminary hearings;"

Also on page 6, in line 28, before "the" by inserting "(D)"; in line 29, by striking "(D)" and inserting "(E)"; in line 33, after "thereto" by inserting ";

(10) analyze and investigate gaps in the juvenile justice system and explore alternatives to out-of-home placement of juvenile offenders in youth residential facilities; and

(11) identify training models, needs and resources and make appropriate recommendations";

On page 7, in line 8, by striking "and"; in line 10, after "system" by inserting "; and

(7) data pertaining to the completion of training on evidence-based practices in juvenile justice, including, but not limited to, the number of judges, district and county attorneys and appointed defense attorneys, that participated in training";

Also on page 7, following line 16, by inserting:

"(g) The staff of the Kansas department of corrections shall provide such assistance as may be requested by the committee. To facilitate the organization of the meetings of the committee, the Kansas department of corrections shall provide administrative assistance.";

On page 9, in line 40, by striking "funds" and inserting "Kansas juvenile justice improvement fund moneys";

On page 10, in line 1, after "appropriated" by inserting "department of corrections"; in line 2, after "from" by inserting "the state general fund or"; following line 5, by inserting:

"(f) The Kansas juvenile justice improvement fund and any other moneys transferred pursuant to this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section.";

Also on page 10, by striking all in lines 25 and 26; in line 37, by striking all after the period; in line 38, by striking all before "The"; following line 43, by inserting:

"New Sec. 16. (a) The juvenile corrections advisory boards established pursuant to K.S.A. 75-7044, and amendments thereto, shall annually consider the availability of:

- (1) Treatment programs;
- (2) programs creating alternatives to incarceration for juvenile offenders;
- (3) mental health treatment; and
- (4) the development of risk assessment tools, if they do not currently exist, for use in

determining pretrial release and probation supervision levels.

(b) The juvenile corrections advisory boards shall report to the Kansas department of corrections and the Kansas juvenile justice oversight committee by October 1 of each year detailing the costs of programs needed in the judicial district the juvenile corrections advisory board represents to reduce the out-of-home placement of juvenile offenders and improve the rate of recidivism of juvenile offenders in such judicial district.

New Sec. 17. (a) The secretary of corrections may contract for use of not more than 50 non-foster home beds in youth residential facilities for placement of juvenile offenders pursuant to K.S.A. 2015 Supp. 38-2361(a)(13), and amendments thereto.

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

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

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

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

(d) This section shall take effect on and after January 1, 2018.";

On page 22, in line 25, by striking all after the period; by striking all in lines 26 through 28;

On page 40, in line 33, by striking all after the period; by striking all in line 34;

On page 48, in line 19, by striking "officer" and inserting "office"; in line 40, by striking "shall" and inserting "may";

On page 54, in line 7, after the second "hearing" by inserting "at least"; in line 8, by striking "seven" and inserting "14"; in line 9, after the period by inserting "The provisions of this subsection shall not apply if the juvenile is charged with a crime that, if committed by an adult, would constitute

an off-grid felony or a nondrug severity level 1 through 4 person felony.";

On page 56, in line 43, after "unsupervised" by inserting "by any of the aforementioned entities. The county or district attorneys office shall not be required to supervise juveniles participating in an immediate intervention program";

On page 57, in line 1, by striking "four" and inserting "six"; in line 4, by striking "four-month" and inserting "six-month";

On page 64, in line 4, by striking all after "The"; in line 5, by striking all before "of" and inserting "secretary "; also in line 5, after "corrections" by inserting ", in consultation with the Kansas juvenile justice oversight committee,"; in line 41, after the period by inserting "Placement of juvenile offenders to community corrections for probation supervision shall be limited to offenders adjudicated for a felony offense that are determined to be moderate-risk, high-risk or very high-risk on a risk and needs assessment using the cutoff scores established by the secretary pursuant to K.S.A. 2015 Supp. 38-2360, and amendments thereto.";

On page 65, in line 7, by striking "license" and inserting "licensed"; in line 41, by striking "July" and inserting "January";

On page 66, in line 9, by striking all after "for"; in line 10, by striking "confinement" and inserting "placement"; also in line 10, before the period by inserting "or a youth residential facility. Placement in a youth residential facility shall only be permitted as authorized in K.S.A. 2015 Supp. 38-2369(e), and amendments thereto";

On page 70, in line 9, by striking "30" and inserting "45"; in line 15, by striking "30" and inserting "45";

On page 71, in line 26, by striking "a sex offense" and inserting "rape"; in line 33, by striking "or" and inserting:

"(E) aggravated indecent liberties with a child, as defined in K.S.A. 2015 Supp. 21-5506, and

amendments thereto, if the victim is less than 14 years of age; or";

Also on page 71, in line 34, by striking "(E)" and inserting "(F); in line 40, after "plan" by inserting ", which shall include the physical and psychological well-being of the victim,";

On page 73, by striking all in lines 12 through 43;

On page 74, by striking all in lines 1 through 4;

On page 75, in line 24, by striking "or the current custodian"; in line 25, by striking "or"; in line 26, by striking all before "of"; in line 28, by striking all after "officer"; in line 29, by striking "custodian";

On page 76, in line 18, after "(a)" by inserting "Except as provided in subsection (e),";

On page 77, in line 26, before "person" by inserting a comma;

On page 81, following line 37, by inserting:

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

On page 82, in line 7, by striking "convicted" and inserting "adjudicated"; in line 19, by striking "conviction" and inserting "adjudication"; in line 20, by striking "conviction" and inserting "adjudication";

On page 106, following line 22, by inserting:

"Sec. 61. K.S.A. 75-3722 is hereby amended to read as follows: 75-3722. An allotment system will be applicable to the expenditure of the resources of any state agency, under rules and regulations established as provided in K.S.A. 75-3706, and amendments thereto, only if in the opinion of the secretary of administration on the advice of the director of the budget, the use of an allotment

plan is necessary or beneficial to the state. In making this determination the secretary of administration shall take into consideration all pertinent factors including: (1) Available resources; (2) current spending rates; (3) work loads; (4) new activities, especially any proposed activities not covered in the agency's request to the governor and the legislature for appropriations; (5) the minimum current needs of each agency; (6) requests for deficiency appropriations in prior fiscal years; (7) unexpended and unencumbered balances; and (8) revenue collection rates and prospects.

Whenever for any fiscal year it appears that the resources of the general fund or any special revenue fund are likely to be insufficient to cover the appropriations made against such general fund or special revenue fund, the secretary of administration, on the advice of the director of the budget, shall, in such manner as he or she may determine, inaugurate the allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of the general fund or any special revenue fund for that fiscal year. The allotment system shall not apply to the legislature or to the courts or their officers and employees, or to payments made from the juvenile justice improvement fund, established in section 13, and amendments thereto, for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families. Agencies affected by decisions of the secretary of administration under this section shall be notified in writing at least ~~thirty (30)~~ 30 days before such decisions may become effective and any affected agency may, by written request addressed to the governor within ~~ten (10)~~ 10 days after such notice, ask for a review of the decision by the finance council. The finance council shall hear appeals and render a decision within ~~twenty (20)~~ 20 days after the governor receives requests for such hearings.

Sec. 62. K.S.A. 75-6704 is hereby amended to read as follows: 75-6704. (a) The director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers. Periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state

general fund for the current fiscal year and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund for the current fiscal year. If the amount of such unencumbered ending balance in the state general fund is less than \$100,000,000, the director of the budget shall certify to the governor the difference between \$100,000,000 and the amount of such unencumbered ending balance in the state general fund, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund, where appropriate.

(b) Upon receipt of any such certification and subject to approval of the state finance council acting on this matter which is hereby declared to be a matter of legislative delegation and subject to the guidelines prescribed by ~~subsection (e) of K.S.A. 75-3711c(c)~~, and amendments thereto, the governor may issue an executive order reducing, by applying a percentage reduction determined by the governor in accordance with this section; (1) The amount authorized to be expended from each appropriation from the state general fund for the current fiscal year, other than any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in ~~subsections (1), (2) and (3) of K.S.A. 74-4931(1), (2) and (3)~~, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, or for payments made from the juvenile justice improvement fund for the development and implementation of evidence-based community programs and practices for juvenile offenders and their families; and (2) the amount of each demand transfer from the state general fund for the current fiscal year, other than any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto.

(c) The reduction imposed by an executive order issued under this section shall be determined by the governor and may be equal to or less than the amount certified under subsection (a). Except as

otherwise specifically provided by this section, the percentage reduction applied under subsection (b) shall be the same for each item of appropriation and each demand transfer and shall be imposed equally on all such items of appropriation and demand transfers without exception. No such percentage reduction and no provisions of any such executive order under this section shall apply or be construed to reduce any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in ~~subsections (1), (2) and (3) of K.S.A. 74-4931(1), (2) and (3),~~ and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto, or any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto. The provisions of such executive order shall be effective for all state agencies of the executive, legislative and judicial branches of state government.

(d) If the governor issues an executive order under this section, the director of accounts and reports shall not issue any warrant for the payment of moneys in the state general fund or make any demand transfer of moneys in the state general fund for any state agency unless such warrant or demand transfer is in accordance with such executive order and such warrant or demand transfer does not exceed the amount of money permitted to be expended or transferred from the state general fund.

(e) Nothing in this section shall be construed to: (1) Require the governor to issue an executive order under this section upon receipt of any such certification by the director of the budget; or (2) restrict the number of times that the director of the budget may make a certification under this section or that the governor may issue an executive order under this section.";

Also on page 106, in line 24, by striking all after "(a); by striking all in lines 25 through 27; in line 28, by striking all before "The";

On page 107, in line 31, by striking "and"; in line 32, after "history" by inserting "; and

(9) the results of other assessment instruments as approved by the secretary";

On page 108, in line 5, by striking "(c)" and inserting "(b)";

On page 112, in line 1, after the stricken material by inserting "or";

On page 114, in line 2, by striking "'Operational"; by striking all in lines 3 through 7; in line 8, by striking all before "The"; in line 23, by striking the first "and" and inserting a comma; also in line 23, after "20-167" by inserting ", 75-3722 and 75-6704"; in line 25, by striking "38-2366"; by striking all in lines 36 and 37;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the first "and" and inserting a comma; also in line 2, after "20-167" by inserting ", 75-3722 and 75-6704"; in line 6, by striking "38-2366,"; in line 10, by striking the comma and inserting "and"; in line 11, by striking "and 38-2365"; and the bill be passed as amended.

Chairperson