

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Corrections and Juvenile Justice** recommends **SB 367** be amended on page 1, in line 23, after "(b)" by inserting "Except as provided in subsection (c),"; in line 31, by striking all after "months"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 8; in line 9, by striking all before the period; following line 9 by inserting:

"(c) There shall be no overall case length limit for a juvenile adjudicated for a felony that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.";

Also on page 2, in line 34, by striking all after "program"; in line 35, by striking all before the period and inserting "as determined to be necessary based on the results of a validated risk and needs assessment";

On page 3, in line 8, after "case" by inserting ", except that there shall be no limit on cumulative detention for juvenile offenders adjudicated for a felony that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 3, in line 12, after "regulations" by inserting "by January 1, 2017,"; in line 30, after "another" by inserting "or damage to property";

On page 4, in line 18, after "juveniles" by inserting "if such clinician is available"; in line 19, by striking "may" and inserting "is needed to"; in line 31, by striking "18" and inserting "19";

On page 5, in line 14, by striking "state" and inserting "local"; in line 17, after "governor"

by inserting "; and

(18) one member from a community corrections agency appointed by the governor";

On page 6, in line 1, after the semicolon by inserting "and

(C) monitor the plan from the department of corrections for the prioritization of funds pursuant to section 13(d), and amendments thereto";

Also on page 6, by striking all in lines 7 and 8;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 7, in line 9, after "on" by inserting "not less than"; by striking all in lines 11 through 14; following line 39, by inserting:

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

Also on page 7, in line 42, after "regulations" by inserting "by January 1, 2017,";

On page 8, in line 23, by striking "7" and inserting "6";

On page 9, in line 11, after the period by inserting "The baseline shall be calculated on the cost of incarceration and placement in fiscal year 2015."; following line 17, by inserting:

"(d) Prioritization of funds will be given to regions that demonstrate a high rate of out-of-home placement of juvenile offenders per capita that have few existing community-based alternatives.

(e) During fiscal years 2017 and 2018, the secretary of corrections shall transfer an amount not to exceed \$8,000,000 from appropriated moneys from any available special revenue fund or funds that are budgeted for the purposes of facilitating the development and implementation of new community placements in conjunction with the reduction in out-of-home placements.";

Also on page 9, in line 20, after "regulations" by inserting "by January 1, 2017,"; following line 36, by inserting:

"New Sec. 15. Juveniles who are alleged to be juvenile offenders shall have a right to a speedy trial and a right to a preliminary hearing.

New Sec. 16. The department of corrections and the Kansas juvenile justice oversight committee shall explore methods of exchanging confidential data between all parts of the juvenile justice system. Such data exchange shall be limited based on the needs of the user accessing the data. Such method of exchanging data shall take into consideration sharing data that is necessary for continuity of treatment and correctional programs, including, but not limited to, health care requirements, mental health care needs and history, substance abuse treatment and history, recommendations for emergency placement options and any other information to assist in providing proper care to the juvenile. Such data exchange will be controlled utilizing the Kansas criminal justice information system. The department of corrections is authorized to use grant funds, allocated state funds or any other accessible funding necessary to create such data exchange system. All state and local programs involved in the care of juveniles involved in the juvenile justice system or the child in need of care system shall cooperate in the development and utilization of such system.";

On page 16, in line 34, before "K.S.A" by inserting "On and after July 1, 2019,";

On page 21, in line 18, after the period by inserting "Youth residential facilities shall maintain sight and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case."; in line 19, by striking "2017" and inserting "2019";

On page 23, in line 15, by striking "2017" and inserting "2019";

On page 25, in line 37, by striking "2017" and inserting "2019";

On page 28, by striking all in lines 19 through 43;

By striking all on pages 29 through 31;

On page 32, by striking all in lines 1 through 26; in line 27, by striking "2017" and inserting "2019";

On page 35, in line 6, by striking "2017" and inserting "2019";

On page 39, following line 16, by inserting:

"(cc) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this subsection shall expire on July 1, 2018.";

Also on page 39, in line 17, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 45, in line 7, by striking all after "giving"; in line 8, by striking all before the first "the"; in line 13, after "another" by inserting "or damage to proprety"; in line 32, after "child" by inserting "or would pose a risk to public safety or property";

On page 47, following line 16, by inserting:

"(5) The notice to appear served pursuant to paragraph (1) and the complaint filed pursuant to paragraph (4) shall be provided to the juvenile in a single citation.";

On page 49, in line 13, after "others" by inserting "or damage to property";

On page 50, in line 8, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 14, after "another" by inserting "or damage to property"; in line 21, by striking "January" and inserting "July";

On page 62, in line 4, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 63, in line 9, by striking "(10)"; following line 15, by inserting:

"(10) Place the juvenile in the custody of the secretary of corrections as provided in K.S.A.

2015 Supp. 38-2365, and amendments thereto. This alternative shall not be ordered with the alternative in paragraph (3) or (12). Except for mandatory drug and alcohol evaluation, when this alternative is ordered with alternatives in paragraphs (2), (4) and (9), such orders shall constitute a recommendation by the court. Requirements pertaining to child support shall apply under this alternative. The provisions of this paragraph shall expire on July 1, 2018.";

Also on page 63, in line 16, before "Upon" by inserting "(11)"; in line 22, after "another" by inserting "or damage to property";

On page 67, in line 11, by striking "(10)" and inserting "(11)"; in line 17, after "another" by inserting "or damage to property";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 71, in line 33, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 72, in line 7, after "another" by inserting "or damage to property"; in line 32, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 35, after "another" by inserting "or damage to property";

On page 73, in line 9, before "a" by inserting "a minimum term of 60 months and up to"; by striking all in lines 12 through 14; in line 15, by striking all before the period and inserting "the offender reaching the age of 22 years, six months. The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years"; in line 20, by striking "12" and inserting "24"; in line 21, by striking "24" and inserting "the offender reaching the age of 22 years, six"; by striking all in lines 23 through 29; in line 30, by striking all before the period and inserting "The aftercare term for this offender is set at a minimum term of six months and up to a maximum term of the offender reaching the age of 23 years"; in line 32, by striking

the colon; in line 33, by striking "(i)"; in line 34, by striking ", 5 or 6"; also in line 34, by striking the semicolon and inserting ".

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

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

Also on page 73, in line 40, after "felony" by inserting "or a nondrug severity level 5 or 6 person felony";

On page 74, in line 2, by striking "II" and inserting "III"; in line 12, by striking "III" and inserting "IV";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 77, in line 39, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 80, in line 34, by striking "department of education" and inserting "the local school district in which the juvenile offender will be residing";

On page 81, in line 4, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 82, in line 43, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 83, in line 20, before "K.S.A" by inserting "On and after July 1, 2017,";

On page 84, in line 2, before "K.S.A" by inserting "On and after July 1, 2017,"; in line 34, by striking "January" and inserting "July";

On page 110, in line 19, by striking "38-2202,"; also in line 19, by striking "38-2304,"; also in line 19, by striking "38-2342,"; in line 20, by striking "38-2361,"; also in line 20, by striking "38-2368, 38-

2369, 38-2371,"; in line 21, by striking "38-2374, 38-2375, 38-2376, 38-2377,"; in line 24, by striking "38-2343,"; also in line 24, by striking ", 38-2389"; in line 26, by striking all after "Supp."; in line 27, by striking all before "38-2325" and inserting "38-2304,"; also in line 27, after "38-2335," by inserting "38-2342, 38-2343, 38-2361"; in line 28, by striking "38-2365," and inserting "38-2368, 38-2369, 38-2371, 38-2374, 38-2375, 38-2376, 38-2377, 38-2389"; following line 29, by inserting:

"Sec. 68. On and after July 1, 2018, K.S.A. 2015 Supp. 38-2365 is hereby repealed.

Sec. 69. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, 38-2232, 38-2242, 38-2243, 38-2260 and 38-2288 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "38-2255,"; and the bill be passed as amended.

Chairperson