

**SENATE BILL No. 486**

By Senator Emler

2-10

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AN ACT concerning municipal courts; relating to the sentencing of juvenile offenders; amending K.S.A. 12-4509 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:

- (1) Release the person without imposition of sentence;
- (2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); or
- (3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation.

(b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by the uniform controlled substances act (K.S.A. 65-4101 *et seq.* and amendments thereto) or K.S.A. 41-719, 41-727, 65-4152, 65-4153, 65-4154 or 65-4155 or 8-1599, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived. *The judge may also impose a sentence of imprisonment in a ju-*

1 *venile detention facility.*

2 (d) If the person is 18 or more years of age but less than 21 years of  
3 age and is convicted of a violation of K.S.A. 41-727, and amendments  
4 thereto, involving cereal malt beverage, the provisions of subsection (c)  
5 are permissive and not mandatory.

6 (e) The court may impose any conditions of probation or suspension  
7 of sentence that the court deems proper, including, but not limited to,  
8 requiring that the defendant:

9 (1) Avoid such injurious or vicious habits, as directed by the court or  
10 the probation officer;

11 (2) avoid such persons or places of disreputable or harmful character,  
12 as directed by the court or the probation officer;

13 (3) report to the probation officer as directed;

14 (4) permit the probation officer to visit the defendant at home or  
15 elsewhere;

16 (5) work faithfully at suitable employment insofar as possible;

17 (6) remain within the state unless the court grants permission to  
18 leave;

19 (7) pay a fine or costs, applicable to the ordinance violation, in one  
20 or several sums and in the manner as directed by the court;

21 (8) support the defendant's dependents;

22 (9) reside in a residential facility located in the community and partici-  
23 pate in educational counseling, work and other correctional or reha-  
24 bilitative programs;

25 (10) perform community or public service work for local govern-  
26 mental agencies, private corporations organized not for profit, or chari-  
27 table or social service organizations performing services for the  
28 community;

29 (11) perform services under a system of day fines whereby the de-  
30 fendant is required to satisfy fines, costs or reparation or restitution ob-  
31 ligations by performing services for a period of days determined by the  
32 court on the basis of ability to pay, standard of living, support obligations  
33 and other factors;

34 (12) make reparation or restitution to the aggrieved party for the  
35 damage or loss caused by the defendant's crime, in an amount and man-  
36 ner determined by the court and to the person specified by the court; or

37 (13) reimburse the city, in accordance with any order made under  
38 subsection (f), for all or a part of the reasonable expenditures by the city  
39 to provide counsel and other defense services to the defendant.

40 (f) In addition to or in lieu of any other sentence authorized by law,  
41 whenever a person is found guilty of the violation of an ordinance the  
42 judge may order such person to reimburse the city for all or a part of the  
43 reasonable expenditures by the city to provide counsel and other defense

1 services to the defendant. In determining the amount and method of  
2 payment of such sum, the court shall take account of the financial re-  
3 sources of the defendant and the nature of the burden that payment of  
4 such sum will impose. A defendant who has been required to pay such  
5 sum and who is not willfully in default in the payment thereof may at any  
6 time petition the court which sentenced the defendant to waive payment  
7 of such sum or of any unpaid portion thereof. If it appears to the satis-  
8 faction of the court that payment of the amount due will impose manifest  
9 hardship on the defendant or the defendant's immediate family, the court  
10 may waive payment of all or part of the amount due or modify the method  
11 of payment.

12 *(g) Whenever a person under the age of 18 is found guilty of the*  
13 *violation of an ordinance, the judge may impose a sentence of imprison-*  
14 *ment to a juvenile detention facility.*

15 Sec. 2. K.S.A. 12-4509 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the statute book.

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