

# 2018 JUVENILE RELATED ENACTED LEGISLATION

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## TOPIC

### Alcohol: Candy

Status

Final Bill  Final Brief  Final Summary  SessionLawChapter

Bill Section  Eff Date  Delayed Eff Date

Manufacturing candy containing alcohol is now controlled by Alcohol Beverage Control if the alcohol content is greater than 0.5% by volume. Retail sale of candy containing alcohol is now controlled by Alcohol Beverage Control if the alcohol content is greater than 1% by volume. The definition of "Alcoholic liquor" is amended to include "alcoholic candy" and the term "consumed as a beverage" is changed to "consumed."

Amends

### Body Cam Video

Status

Final Bill  Final Brief  Final Summary  SessionLawChapter

Bill Section  Eff Date  Delayed Eff Date

Amends KORA relating to LE video release by creating a 20 day maximum time to show video to certain people listed in KSA 45-254. Also clarifies both parents of a juvenile can view a video and adds "heir at law" or their attorney to view video. All other parts of the bill were deleted. The entire bill will also be referred to the Judicial Council for further review and recommendation. Most likely another bill will be introduced in the 2019 session.

Amends

### Civil Liability: Rescue of Animal or Person From Vehicle

Status

Final Bill  Final Brief  Final Summary  SessionLawChapter

Bill Section  Eff Date  Delayed Eff Date

Provides immunity from civil liability for damage to a motor vehicle related to the rescue of a "vulnerable person" or "domestic animal." "Vulnerable person" is defined as "an adult whose ability to perform the normal activities of daily living or to provide for such adult's own care or protection is impaired or a minor." "Domestic Animal" excludes livestock or other farm animals. To be eligible for the immunity, a person engaging in the rescue must notify law enforcement or 911 and remain with the vulnerable person or domestic animal until law enforcement arrives.

Amends

### Counterfeiting

Status

Final Bill  Final Brief  Final Summary  SessionLawChapter

Bill Section  Eff Date  Delayed Eff Date

Creates new crime of counterfeiting which includes: 1) Making, forging, or altering any note, obligation, or security of the United States (SL7 nonperson felony for total face value of \$25,000 or more, SL8 nonperson felony for total face value less than \$25,000); 2) Distributing, or possessing with the intent to distribute, any obligation or security of the United States knowing the obligation or security has been so made, forged, or altered (same penalties as above); 3) Possessing any paper, ink, printer, press, currency plate, or other item with the intent to produce any counterfeit note, currency, obligation, or security of the United States (SL9 nonperson felony).

Amends

TOPIC

**CPOST: Domestic Violence Definition**

Status **Signed** 333

Final Bill [HB2523](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 92  
Bill Section 3 Eff Date 7/1/2018 Delayed Eff Date

The definition of "misdemeanor crime of domestic violence" in the Kansas law enforcement training act is changed to match the definition in criminal law.

Amends 74-5602

**THC Penalty**

Status **Signed** 374

Final Bill [HB2458](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 112  
Bill Section 6 Eff Date 7/1/2018 Delayed Eff Date

Making the penalty for possession of THC the same as that for possession of MJ. First offense is a class B nonperson misdemeanor; second offense is a class A nonperson misdemeanor; and a third or subsequent offense is a drug severity level 5 felony.

Amends 21-5706

**DUI: Involuntary Manslaughter**

Status **Signed** 307

Final Bill [HB2439](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 7  
Bill Section All Eff Date 7/1/2018 Delayed Eff Date

A person who is DUI and involved in a fatality accident while their DL is suspended or restricted for a DUI related event violates the involuntary manslaughter statute. If involved in a crash resulting in serious bodily harm while under the same DL sanctions they violate the aggravated battery statute. Records for these violations may not be expunged, even for juveniles. These violations also are included in future DUI convictions in determining 3rd or subsequent conviction penalty enhancements.

Amends 8-262; 8-2,144; 8-1013; 8-1025; 8-1567; 21-5405; 21-5413; 21-6811; 38-2312; 75-52,148

Juvenile Crisis Intervention

Status Signed 463

Final Bill SB179 Final Brief CCR Brief Final Summary Summary SessionLawChapter 107

Bill Section All Eff Date 7/1/2018 Delayed Eff Date

Allows licensing of Juvenile Crisis Intervention Centers as a facility that provides short-term observation, assessment, treatment, and case planning, and referral juveniles experiencing a mental health crisis and is likely to cause harm to self or others. The bill requires intervention centers to provide treatment to juveniles admitted to the centers, as appropriate while admitted. An intervention center may not be located in a jail or a juvenile detention facility.

A juvenile may be admitted to an intervention center when: 1)The head of the center determines the juvenile is in need of treatment and is likely to cause harm to self or others; 2) A qualified professional from a community mental health center (CMHC) has given written authorization for the juvenile to be admitted to an intervention center; and 3) No other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

The statute governing when a LEO may take a child into custody is amended to require a LEO to take a child under 18 years of age into custody when the LEO reasonably believes the child is experiencing a mental health crisis and is likely to cause harm to self or others.

A juvenile may be admitted to an intervention center for not more than 30 days, and a parent with legal custody or a legal guardian of the juvenile can remove the juvenile from the center at any time. If the removal could cause the juvenile to become a child in need of care pursuant to the CINC Code, the head of the intervention center may report such concerns to DCF or may request the county or district attorney to initiate proceedings under the CINC Code. If the head of the intervention center determines such a request to the county or district attorney is the most appropriate action, the head of the intervention center shall make the request and keep the juvenile in the intervention center for an additional 24-hour period to initiate the appropriate proceedings.

A LEO is allowed to deliver a child taken into custody without a court order to an intervention center after written authorization by a CMHC. When a LEO takes a child into protective custody because the LEO reasonably believes the child is experiencing a mental health crisis and is likely to cause harm to self or others, the LEO may deliver the child to an intervention center after written authorization by a CMHC, but the child may not be placed in a juvenile detention facility or other secure facility.

The Revised Kansas Juvenile Justice Code governing is amended to allow an officer, when a juvenile cannot be delivered to the juvenile’s parent or custodian, to deliver the juvenile to an intervention center, if the juvenile is determined to not be detention eligible based on a standardized detention risk assessment tool and is experiencing a mental health crisis, after written authorization by a CMHC. Existing additional options are retained.

Amends 38-2231, 38-2232, 38-2242, 38-2243, 38-2330 and 75-52,164

**Juveniles: Case Length Limits**

Status Signed 313

Final Bill [HB2454](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 52  
 Bill Section 3 Eff Date 7/1/2018 Delayed Eff Date

Clarifies that when probation term limits and overall case length limits in the Kansas Revised Juvenile Justice Code are tolled due to the offender absconding from supervision while on probation, the limits shall not begin to run again until the offender is located and brought back to the jurisdiction. The bill also would clarify that, if the juvenile fails to appear for the dispositional hearing, such limits shall not apply until the juvenile is brought before the court for disposition.

Amends 38-2391

**Juveniles: Detention review**

Status Signed 311

Final Bill [HB2454](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 52  
 Bill Section 1, 2 Eff Date 7/1/2018 Delayed Eff Date

Allows a juvenile to waive their 14 day detention hearing. Clarifies audio-video appearance can be used at any detention hearing. If a juvenile offender is being held in detention, requires a dispositional hearing for sentencing take place within 45 days after the juvenile has been adjudicated.

Amends 38-2343; 38-2360

**Juveniles: LEO Custody for CINC**

Status Signed 487

Final Bill [SB179](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 107  
 Bill Section 2 Eff Date 7/1/2018 Delayed Eff Date

Amends the statute governing when a law enforcement officer (LEO) may take a child into custody to require a LEO to take a child under 18 years of age into custody when the LEO reasonably believes the child is experiencing a mental health crisis and is likely to cause harm to self or others.

Amends 38-2231

**Juveniles: Newborn Infant Protection Act**

Status Signed 345

Final Bill [SB179](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 107  
 Bill Section 14 Eff Date 7/1/2018 Delayed Eff Date

The maximum age of an infant for purposes of the Act is increased from 45 days old to 60 days old.

An employee of a facility where an infant was left is allowed to take physical custody of the child without a court order. References to “person or facility” throughout the Act are amended to clarify when provisions are applicable to employees of any facility specified in the Act, any facility specified, or both. When an infant is delivered to a facility pursuant to the Act that is not a medical care facility, the employee taking physical custody of the infant must make arrangements for the immediate transportation of the infant to the nearest medical care facility. The medical care facility, its employees, agents, and medical staff are required to perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health and safety of the infant.

Immunity provisions add administrative immunity for the facilities specified in the Act and their employees to the existing criminal and civil immunity and adds a provision the immunity does not extend to any negligent or intentional acts or omissions, occurring after the acceptance of the infant.

A new term, “relinquishing parent” is created in the statute to delineate between rights of the parent giving up the child and the parent who does not know the other parent is giving up the child. New provisions are added to the statute providing immunity from civil or criminal liability for a relinquishing parent if the following conditions are met: 1) The relinquishing parent delivered the infant voluntarily and safely to the physical custody of an employee at a facility specified in the Act; 2) The infant was no more than 60 days old when delivered to the physical custody of an employee at a facility specified in the Act; and 3) the infant was not abused or neglected by the relinquishing parent prior to such delivery.

Amends 38-2282

**Juveniles: Offender Custody Disposition by LEO**

Status Signed 488

Final Bill [SB179](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 107  
 Bill Section 6 Eff Date 7/1/2018 Delayed Eff Date

Amends the statute governing disposition of a juvenile taken into custody by a law enforcement officer as a juvenile offender by adding the option of delivering the juvenile to a juvenile crisis intervention center, provided the juvenile is determined to not be detention eligible based on a standardized detention risk assessment tool, is experiencing a mental health crisis, and upon written authorization by a community mental health center.

Amends 38-2330

**Open Records: Child Fatality**

Status Signed 436

Final Bill [SB336](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 87  
 Bill Section 3 Eff Date 7/1/2018 Delayed Eff Date

KSA 38-2212 sub (f) is amended to allow KORA release of information by DCF after the fatality or near fatality of a child in need of care caused by abuse or neglect. DCF must give notice to the involved parties when a KORA request is received, and the parties may contest the release. If the event resulted in a fatality DCF must release certain information including the age and sex of the child; date of the fatality; a summary of any previous reports of abuse or neglect received by DCF regarding abuse or neglect of the child including with findings for those reports; and any DCF recommended services provided to the child. IF the fatality occurred while the child was in DCF custody they must release the following items in response to a KORA request: 1) Age and sex of the child; date of the fatality; and summary of the facts surrounding the death.

Amends 38-2212

**Protection Orders, Abuse**

Status **Signed** 489

Final Bill [SB281](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 110  
Bill Section 2. 3 Eff Date 7/1/2018 Delayed Eff Date

If a juvenile is the target of abuse, the following may apply for a Protection from Abuse Order on behalf of the juvenile: 1) the juvenile's parent, 2) an adult residing with the juvenile, or 3) a court-appointed legal custodian, or court-appointed legal guardian.

Amends 60-3104, 60-3105

**Protection Orders, Human Trafficking**

Status **Signed** 326

Final Bill [SB281](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 110  
Bill Section 1 & 4-12 Eff Date 7/1/2018 Delayed Eff Date

Adds human trafficking victimization as an eligible act subject to a protection order. Allows victims of human trafficking to seek protection orders against a person allegedly trafficking the victim. If the victim is a juvenile, the order can be sought by 1) the juvenile's family, 2) an adult household member, 3) a court-appointed legal custodian or court-appointed legal guardian, 4) a county or district attorney, or 5) the attorney general.

A human trafficking protection order would restrain the defendant from following, harassing, telephoning, contacting, recruiting, harboring, transporting, or committing or attempting to commit human trafficking upon the human trafficking victim, or otherwise communicating with the human trafficking victim. The order shall contain a statement that, if the order is violated, the violation shall constitute violation KSA 21-5924, violation of a protective order, or other applicable crimes in KSA Chapter 21.

The human trafficking statutes that apply to allow eligibility for the protection order are KSA 21-5426, human trafficking and aggravated human trafficking; KSA 21-6422, commercial exploitation of a child; or KSA 21-6419 selling sexual relations.

For a juvenile victim, a protection from sexual assault or stalking (not human trafficking) may be sought by the juvenile's family, an adult household member, or a court-appointed legal custodian or court-appointed legal guardian.

Amends 21-5924, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08, 60-31a09

**Protection Orders, Sexual Assault or Stalking**

Status **Signed** 490

Final Bill [SB281](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 110  
Bill Section 7 Eff Date 7/1/2018 Delayed Eff Date

For a juvenile victim of sexual assault or stalking, the following persons may file for a protection order from sexual assault or stalking may be sought by 1) the juvenile's family, 2) an adult household member, or 3) a court-appointed legal custodian or court-appointed legal guardian.

Amends 60-31a04

TOPIC

**Sales Suppression Devices**

Status **Signed** 360

Final Bill [HB2488](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 104  
Bill Section 1 Eff Date 7/1/2018 Delayed Eff Date

Creates a new a SL7 nonperson felony for unlawful acts involving automated sales suppression devices. These devices consist of a computer software program on a memory device that when connected to an electronic cash register and other point-of-sale system falsifies the electronic records to avert sales tax collection.

Amends New

**Sexual Relations, Unlawful: LEO**

Status **Signed** 403

Final Bill [HB2523](#) Final Brief [CCR Brief](#) Final Summary [Summary](#) SessionLawChapter 92  
Bill Section 2 Eff Date 7/1/2018 Delayed Eff Date

Adds law enforcement officers to the list of persons included in the Unlawful Sexual Relations statute. This would include voluntary sexual relations between an officer and a person " with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person 16 years or older who is interacting with such law enforcement officer during the course of a traffic stop, a custodial interrogation, an interview in connection with an investigation, or while the law enforcement officer has such person detained."

Amends 21-5512

**Swatting**

Status **Signed** 380

Final Bill [HB2581](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 45  
Bill Section 1 Eff Date 7/1/2018 Delayed Eff Date

Increases penalties for swatting events when death or great bodily injury occurs by amending the false alarm statute. The crime when resulting in injury is a SL6 person felony; great bodily harm is a SL4 person felony; and a SL1 person felony if death occurs. It also changes the phrase "giving a false alarm" to "making an unlawful request for emergency service assistance;" replaces "making a call in any manner" to "request" emergency service assistance; and changes the word "police" to "law enforcement."

Amends 21-6207

**Throwing Stars**

Status **Signed** 465

Final Bill [HB2145](#) Final Brief [Supp Note](#) Final Summary [Summary](#) SessionLawChapter 61  
Bill Section All Eff Date 5/3/2018 Delayed Eff Date

Amends KSA 21-6301 by moving throwing stars from subsection (a)(1) where they are illegal to sell, purchase, manufacture, or possess to subsection (a)(2) where they are illegal to possess with intent to use against another.

Amends 21-6301

More Legislative Information Available at [www.KsLawEnforcementInfo/2018-session.html](http://www.KsLawEnforcementInfo/2018-session.html)