

2017 Amendments to Juvenile Laws

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Juveniles: Absconding

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

Absconding from supervision is an event allowing a supervising officer to request a warrant, and is not considered a technical violation of probation. A court may issue a warrant commanding the juvenile be taken into custody if there is probable cause to believe the juvenile has absconded from supervision and after reasonable efforts to locate a juvenile who absconded are unsuccessful.

Absconding from supervision is added to the list of findings enabling a court to extend or modify the terms of probation, placement, or to enter another sentence. Absconding from supervision is an event allowing the supervising officer to file a report with the court describing the alleged violation and the juvenile's history of violations. Continuing law allows a court, following notice and hearing, to find a violation occurred and modify or impose additional conditions of release. Probation length limits and overall case length limits are tolled during any time that a juvenile has absconded from supervision while on probation.

Amends 38-2330; 38-2342; 38-2368; 38-2375; 38-2391; 38-2392

Bill Section 3, 4, 7, 9, 10, 11

EffDate 7/1/2017

DelayedEffDate

Juveniles: Alternative Placement: Short Term

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

The three-month limit on short-term alternative placement allowed when a juvenile is adjudicated of certain sex offenses and certain other conditions are met is removed from the sentencing alternatives statute (version effective July 1, 2017).

Amends 38-2361

Bill Section 6

EffDate 7/1/2017

DelayedEffDate

Juveniles: Case Limits

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

The provisions of the Juvenile Code statute governing overall case, probation, and detention length limits (effective July 1, 2017) apply upon disposition or 15 days after adjudication, whichever is sooner. Probation length limits and overall case length limits are tolled for any period of time the juvenile absconded.

Amends 38-2361; 38-2391

Bill Section 6, 10

EffDate 7/1/2017

DelayedEffDate

Juveniles: DOC Immunity for Discharge Calculations

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

The State of Kansas, the Secretary of Corrections, the Secretary's agents or employees, the OJA, and court services officers shall not be liable for damages caused by any negligence, wrongful act, or omission in making the earned discharge credit calculations.

Amends 38-2398

Bill Section 12

EffDate 7/1/2017

DelayedEffDate

Juveniles: Firearms Used in Crime

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

Upon a finding by the trier of fact that a firearm was used in the commission of a felony offense by a juvenile, the judge may commit the juvenile directly to the custody of the Secretary of Corrections for placement in a juvenile correctional facility or a youth residential facility for a term of 6 to 18 months, regardless of the risk level of the juvenile. The court may also impose a period of conditional release of up to 6 months, subject to graduated responses. The Secretary of Corrections is required to notify the court of the juvenile's anticipated release date 21 days prior to such date. This is an amendment to the changes made in 2016 SB 367.

Amends 38-2361; 38-2369

Bill Section 6, 8

EffDate 7/1/2017

DelayedEffDate

Juveniles: Funding Provisions

Final Bill [SB42](#)

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Final Summary

References to the "Kansas Juvenile Justice Improvement Fund" are replaced with references to the "Evidence-Based Program Account of the State General Fund." A provision requiring the Secretary of Corrections to determine and certify cost savings "annually, on or before June 30," is amended to require such determination and certification "at least annually, throughout the year." A provision requiring transfer of the certified amount by the Director of Accounts and Reports "annually, on July 1 or as soon thereafter as moneys are available," is amended to require such transfer "upon receipt of a certification pursuant to" the certification provision.

Amends 75-52,164; 75-6704

Bill Section 15, 16

EffDate 7/1/2017

DelayedEffDate

Juveniles: Immediate Intervention

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

Participation in an immediate intervention program does not have to be offered to a juvenile who has 1) Participated in such a program for a previous misdemeanor; 2) Was originally charged with a felony but had the charge amended to a misdemeanor as a result of a plea agreement, or; 3) has been charged with a misdemeanor sex offense A juvenile is not required to participate in an immediate intervention program when the county or district attorney has declined to continue with prosecution of an alleged offense.

The Kansas Department of Corrections is required to establish and maintain a statewide searchable database containing information regarding juveniles who participate in an immediate intervention program. County and district attorneys, judges, community supervision officers, and juvenile intake and assessment workers must have access to the database and are required to submit necessary data to the database. Consultation with the Office of Judicial Administration is required in adoption of rules and regulations to implement the database.

Amends 38-2346; 75-52,162

Bill Section 5, 14

EffDate 7/1/2017

DelayedEffDate

Juveniles: Juvenile Justice Oversight Committee

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

Two members are added to the Kansas Juvenile Justice Oversight Committee, bringing its total membership to 21. The members added are one youth member of the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention appointed by the chair of that group and one director of a juvenile detention facility appointed by the Attorney General. Two additional duties for the Oversight Committee are added: 1) study and create a plan to address the disparate treatment of and availability of resources for juveniles with mental health needs in the juvenile justice system, and 2) review portions of juvenile justice reform that require KDOC and OJA to cooperate and make recommendations when there is no consensus between the two agencies.

Amends 75-52,161

Bill Section 13

EffDate

7/1/2017

DelayedEffDate

Juveniles: Reform Technical Amendments

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

Numerous technical amendments updating statutory references are made ensuring consistent phrasing, and removing a redundant effective date.

Amends 38-2304; 38-2342; 38-2361; 38-2368; 38-2369; 38-2375; 38-2330; 38-2346; 38-2391; 38-2392; 75-52,161, 75-52,162, 75-52,164 and 75-6704

Bill Section 2-11; 13-15

EffDate

7/1/2017

DelayedEffDate

Juveniles: Removal from Home

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

When a juvenile is removed from the home for the first time pursuant to the Juvenile Code, the judge is to consider the following, if appropriate, in making their decision: 1) If the juvenile is likely to sustain harm if not immediately removed from the home; 2) If allowing the juvenile to remain in the home is contrary to the welfare of the juvenile; or 3) If immediate placement of the juvenile is in the juvenile's best interest. Such placement also requires a finding that reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the juvenile from the juvenile's home or an emergency exists that threatens the safety of the juvenile.

Amends New

Bill Section 1

EffDate

7/1/2017

DelayedEffDate

Juveniles: Removal from Home: Using CINC for Continued Placement

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

In cases in which a sentencing court orders the continued placement of the juvenile outside the home as a child in need of care, DCF is no longer required to address issues of abuse and neglect by parents and to prepare parents for the child's return home.

Amends 38-2304

Bill Section 2

EffDate

7/1/2017

DelayedEffDate

Juveniles: Sentencing Matrix

Final Bill [SB42](#)

Final Brief [CCR Brief](#)

Final Summary

The categories of serious offender III and serious offender IV, which carry the same risk-level requirements and JCF commitment terms, are consolidated into a single serious offender III category in the matrix statute (version effective July 1, 2017).

Amends [38-2369](#)

Bill Section [8](#)

EffDate

[7/1/2017](#)

DelayedEffDate

More Legislative Information Available at www.KsLawEnforcementInfo/2017-session.html

Disclaimer: I am not an attorney and the above is not legal advice or legal interpretation. It is a summary of the legislation as presented at the legislature and in legislative documents.