

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2455

By Joint Committee on Corrections and Juvenile Justice Oversight

1-10

1 AN ACT concerning the Kansas juvenile justice oversight committee;
2 relating to cost avoidance due to reductions in youth out-of-home
3 placements; amending K.S.A. 2017 Supp. 75-52,161 and repealing the
4 existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2017 Supp. 75-52,161 is hereby amended to read as
8 follows: 75-52,161. (a) There is hereby established the Kansas juvenile
9 justice oversight committee for the purpose of overseeing the
10 implementation of reform measures intended to improve the state's
11 juvenile justice system.

12 (b) The Kansas juvenile justice oversight committee shall be
13 composed of 21 members including the following individuals:

- 14 (1) The governor or the governor's designee;
15 (2) one member of the house of representatives appointed by the
16 speaker of the house of representatives;
17 (3) one member of the house of representatives appointed by the
18 minority leader of the house of representatives;
19 (4) one member of the senate appointed by the president of the
20 senate;
21 (5) one member of the senate appointed by the minority leader of the
22 senate;
23 (6) the secretary of corrections or the secretary's designee;
24 (7) the secretary for children and families or the secretary's designee;
25 (8) the commissioner of education or the commissioner's designee;
26 (9) the deputy secretary of juvenile services at the department of
27 corrections or the deputy's designee;
28 (10) the director of community-based services at the department of
29 corrections, or the director's designee;
30 (11) two district court judges appointed by the chief justice of the
31 supreme court;
32 (12) one chief court services officer appointed by the chief justice of
33 the supreme court;
34 (13) one member of the office of judicial administration appointed by
35 the chief justice of the supreme court;
36 (14) one juvenile defense attorney appointed by the chief justice of

1 the supreme court;

2 (15) one juvenile crime victim advocate appointed by the governor;

3 (16) one member from a local law enforcement agency appointed by
4 the attorney general;

5 (17) one attorney from a prosecuting attorney's office appointed by
6 the attorney general;

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

9 (19) one youth member of the Kansas advisory group on juvenile
10 justice and delinquency prevention appointed by the chair of the Kansas
11 advisory group on juvenile justice and delinquency prevention; and

12 (20) one director of a juvenile detention facility appointed by the
13 attorney general.

14 (c) The committee shall be appointed by September 1, 2016, and shall
15 meet within 60 days after appointment and at least quarterly thereafter,
16 upon notice by the chair. The committee shall select a chairperson and
17 vice-chairperson, and 11 members shall be considered a quorum.

18 (d) The committee shall perform the following duties:

19 (1) Guide and evaluate the implementation of the changes in law
20 relating to juvenile justice reform;

21 (2) define performance measures and recidivism;

22 (3) approve a plan developed by court services and the department of
23 corrections instituting a uniform process for collecting and reviewing
24 performance measures and recidivism, costs and outcomes of programs;

25 (4) consider utilizing the Kansas criminal justice information system
26 for data collection and analyses;

27 (5) ensure system integration and accountability;

28 (6) monitor the fidelity of implementation efforts to programs and
29 training efforts;

30 (7) ~~calculate~~ *monitor* any state expenditures that have been avoided
31 by reductions in the number of youth placed in out-of-home placements to
32 recommend to the governor and the legislature reinvestment of funds into:

33 (A) Evidence-based practices and programs in the community
34 pursuant to K.S.A. 2017 Supp. 38-2302, and amendments thereto, for use
35 by intake and assessment services, immediate intervention, probation and
36 conditional release;

37 (B) training on evidence-based practices for juvenile justice system
38 staff, including, but not limited to, training in cognitive behavioral
39 therapies, family-centered therapies, substance abuse, sex offender therapy
40 and other services that address a juvenile's risks and needs; and

41 (C) monitor the plan from the department of corrections for the
42 prioritization of funds pursuant to K.S.A. 2017 Supp. 75-52,164(d), and
43 amendments thereto;

1 (8) continue to review any additional topics relating to the continued
2 improvement of the juvenile justice system, including:

3 (A) The confidentiality of juvenile records;

4 (B) the reduction of the financial burden placed on families involved
5 in the juvenile justice system;

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

8 (D) the improvement of conditions of confinement for juveniles;

9 (E) the removal from the home of children in need of care for non-
10 abuse or neglect, truancy, running away or additional child behavior
11 problems when there is no court finding of parental abuse or neglect; and

12 (F) the requirement for youth residential facilities to maintain sight
13 and sound separation between children in need of care that have an open
14 juvenile offender case and children in need of care that do not have an
15 open juvenile offender case;

16 (9) adhere to the goals of the juvenile justice code as provided in
17 K.S.A. 2017 Supp. 38-2301, and amendments thereto;

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

21 (11) identify evidence-based training models, needs and resources
22 and make appropriate recommendations;

23 (12) study and create a plan to address the disparate treatment and
24 availability of resources for juveniles with mental health needs in the
25 juvenile justice system; and

26 (13) review portions of juvenile justice reform that require the
27 department of corrections and the office of judicial administration to
28 cooperate and make recommendations when there is not consensus
29 between the two agencies.

30 (e) The committee shall issue an annual report to the governor, the
31 president of the senate, the speaker of the house of representatives and the
32 chief justice of the supreme court on or before November 30 each year
33 starting in 2017. Such report shall include:

34 (1) An assessment of the progress made in implementation of
35 juvenile justice reform efforts;

36 (2) a summary of the committee's efforts in fulfilling its duties as set
37 forth in this section;

38 (3) an analysis of the recidivism data obtained by the committee
39 pursuant to this section;

40 (4) a summary of the averted costs ~~calculated by the committee~~
41 **determined** pursuant to this section and a recommendation for any
42 reinvestment of the averted costs to fund services or programs to expand
43 Kansas' continuum of alternatives for juveniles who would otherwise be

1 placed in out-of-home placements;

2 (5) an analysis of detention risk-assessment data to determine if any
3 disparate impacts resulted at any stage of the juvenile justice system based
4 on race, sex, national origin or economic status;

5 (6) recommendations for continued improvements to the juvenile
6 justice system;

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

11 (8) data received from the office of judicial administration and the
12 department of corrections, pursuant to K.S.A. 2017 Supp. 38-2391, and
13 amendments thereto, pertaining to extensions of probation for juvenile
14 offenders and an analysis of such data to identify how probation
15 extensions are being used and conclusions regarding the effectiveness of
16 such extensions.

17 (f) After initial appointment, members appointed to this committee by
18 the governor, the president of the senate, the speaker of the house of
19 representatives or the chief justice of the supreme court pursuant to
20 subsection (b), shall serve for a term of two years and shall be eligible for
21 reappointment to such position. All members appointed to the committee
22 shall serve until a successor has been duly appointed.

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

27 Sec. 2. K.S.A. 2017 Supp. 75-52,161 is hereby repealed.

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