

**Amendment 8**

Session of 2017

**HOUSE BILL No. 2264**

By Committee on Corrections and Juvenile Justice

2-2

1 AN ACT concerning children and minors; relating to the revised Kansas  
2 juvenile justice code; place of certain juvenile offenders; amending  
3 K.S.A. 2015 Supp. 38-2361, as amended by section 42 of chapter 46 of  
4 the 2016 Session Laws of Kansas and 38-2369, as amended by section  
5 46 of chapter 46 of the 2016 Session Laws of Kansas and repealing the  
6 existing sections.  
7

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

8 Section 1. K.S.A. 2015 Supp. 38-2361, as amended by section 42 of  
9 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read  
10 as follows: 38-2361. (a) Upon adjudication as a juvenile offender pursuant  
11 to K.S.A. ~~2015~~ 2016 Supp. 38-2356, and amendments thereto,  
12 modification of sentence pursuant to K.S.A. ~~2015~~ 2016 Supp. 38-2367,  
13 and amendments thereto, or violation of a condition of sentence pursuant  
14 to K.S.A. ~~2015~~ 2016 Supp. 38-2368, and amendments thereto the court  
15 may impose one or more of the following sentencing alternatives for a  
16 fixed period pursuant to K.S.A. ~~2015~~ 2016 Supp. 38-2369 and ~~section 1~~  
17 ~~38-2391~~, and amendments thereto.  
18

19 (1) Place the juvenile on probation for a fixed period pursuant to  
20 ~~section 1~~ K.S.A. 2016 Supp. 38-2391, and amendments thereto, subject to  
21 terms and conditions the court deems appropriate consistent with juvenile  
22 justice programs in the community. Any juvenile placed on probation shall  
23 be supervised according to the juvenile's risk and needs as determined by a  
24 risk and needs assessment. Placement of juvenile offenders to community  
25 corrections for probation supervision shall be limited to offenders  
26 adjudicated for an offense that are determined to be moderate-risk, high-  
27 risk or very high-risk on a risk and needs assessment using the cutoff  
28 scores established by the secretary pursuant to K.S.A. ~~2015~~ 2016 Supp.  
29 38-2360, and amendments thereto.

30 (2) Order the juvenile to participate in a community based program  
31 available in such judicial district subject to the terms and conditions the  
32 court deems appropriate. This alternative shall not be ordered with the  
33 alternative in paragraph (1). Requirements pertaining to child support  
34 may apply if custody is vested with other than a parent.

35 (3) Place the juvenile in the custody of a parent or other suitable  
36 person, which is not a group home or other facility licensed pursuant to

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1 release from a juvenile correctional facility, the secretary of corrections or  
 2 designee shall notify the court of the juvenile's anticipated release date.  
 3 This alternative may be ordered with the alternative in paragraph (7).  
 4 Requirements pertaining to child support shall apply under this alternative.

Upon a finding by the trier of fact during adjudication that

5 *(1) When a firearm is used in the commission of an offense that*  
 6 *would constitute a felony, if committed by an adult, a judge may commit*  
 7 *the juvenile directly to the custody of the secretary of corrections for*  
 8 *placement in a juvenile correctional facility or a youth residential facility*  
 9 *for a minimum term of six months and up to a maximum term of 18*  
 10 *months, regardless of the risk level of such juvenile as determined by a*  
 11 *risk and needs assessment. If the juvenile is committed to custody of the*  
 12 *secretary, and the court elects, a period of conditional release pursuant to*  
 13 *K.S.A. 2016 Supp. 38-2369, and amendments thereto, may also be*  
 14 *ordered. The period of conditional release shall be limited to a maximum*  
 15 *of six months and shall be subject to graduated responses. Twenty-one*  
 16 *days prior to the juvenile's release from a juvenile correctional facility, the*  
 17 *secretary of corrections or designee shall notify the court of the juvenile's*  
 18 *anticipated release date.*

was

19 (b) If the court orders the juvenile to attend counseling, educational,  
 20 mediation or other sessions, or to undergo a drug and alcohol evaluation  
 21 pursuant to subsection (a)(4), the following provisions apply:

22 (1) The court may order the juvenile offender to participate in  
 23 counseling or mediation sessions or a program of education, including  
 24 placement in an alternative educational program approved by a local  
 25 school board. The costs of any counseling or mediation may be assessed as  
 26 expenses in the case. No mental health center shall charge a fee for court-  
 27 ordered counseling greater than what the center would have charged the  
 28 person receiving the counseling if the person had requested counseling on  
 29 the person's own initiative. No mediator shall charge a fee for court-  
 30 ordered mediation greater than what the mediator would have charged the  
 31 person participating in the mediation if the person had requested mediation  
 32 on the person's own initiative. Mediation may include the victim but shall  
 33 not be mandatory for the victim; and

34 (2) if the juvenile has been adjudicated to be a juvenile by reason of a  
 35 violation of a statute that makes such a requirement, the court shall order  
 36 and, if adjudicated for any other offense, the court may order the juvenile  
 37 to submit to and complete a drug and alcohol evaluation by a community-  
 38 based drug and alcohol safety action program certified pursuant to K.S.A.  
 39 8-1008, and amendments thereto, and to pay a fee not to exceed the fee  
 40 established by that statute for such evaluation. The court may waive the  
 41 mandatory evaluation if the court finds that the juvenile completed a drug  
 42 and alcohol evaluation, approved by the community-based alcohol and  
 43 drug safety action program, within 12 months before sentencing. If the