

**House Substitute for SENATE BILL No. 42**

By Committee on Corrections and Juvenile Justice

3-14

1 AN ACT concerning children and minors; relating to the revised Kansas  
2 juvenile justice code; amending K.S.A. 2015 Supp. 38-2304, as  
3 amended by section 30 of chapter 46 of the 2016 Session Laws of  
4 Kansas, 38-2342, as amended by section 36 of chapter 46 of the 2016  
5 Session Laws of Kansas, 38-2361, as amended by section 42 of chapter  
6 46 of the 2016 Session Laws of Kansas, 38-2368, as amended by  
7 section 45 of chapter 46 of the 2016 Session Laws of Kansas, 38-2369,  
8 as amended by section 46 of chapter 46 of the 2016 Session Laws of  
9 Kansas, 38-2375, as amended by section 51 of chapter 46 of the 2016  
10 Session Laws of Kansas and K.S.A. 2016 Supp. 38-2330, 38-2346, 38-  
11 2391, 38-2392, 75-52,161, 75-52,162, 75-52,164 and 75-6704 and  
12 repealing the existing sections.  
13

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

15 New Section 1. (a) When a juvenile is removed from the home for the  
16 first time pursuant to the revised Kansas juvenile justice code, the judge  
17 shall consider and make, if appropriate, the following findings:

18 (1) (A) The juvenile is likely to sustain harm if not immediately  
19 removed from the home;

20 (B) allowing the juvenile to remain in the home is contrary to the  
21 welfare of the juvenile; or

22 (C) immediate placement of the juvenile is in the juvenile's best  
23 interest; and

24 (2) reasonable efforts have been made to maintain the family unit and  
25 prevent the unnecessary removal of the juvenile from the juvenile's home  
26 or that an emergency exists which threatens the safety of the juvenile.

27 (b) This section shall be part of and supplemental to the revised  
28 Kansas juvenile justice code.

29 Sec. 2. K.S.A. 2015 Supp. 38-2304, as amended by section 30 of  
30 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read  
31 as follows: 38-2304. (a) Except as provided in K.S.A. ~~2015~~ 2016 Supp.  
32 38-2347, and amendments thereto, proceedings concerning a juvenile shall  
33 be governed by the provisions of this code.

34 (b) The district court shall have original jurisdiction to receive and  
35 determine proceedings under this code.

36 (c) When a complaint is filed under this code, the juvenile shall be

1 presumed to be subject to this code, unless the contrary is proved.

2 (d) Once jurisdiction is acquired by the district court over an alleged  
3 juvenile offender, except as otherwise provided in subsection (e),  
4 jurisdiction shall continue until one of the following occurs:

5 (1) The complaint is dismissed;

6 (2) the juvenile is adjudicated not guilty at trial;

7 (3) the juvenile, after being adjudicated guilty and sentenced:

8 (i) Successfully completes the term of probation;

9 (ii) is discharged by the secretary pursuant to K.S.A. ~~2015~~ 2016  
10 Supp. 38-2376, and amendments thereto;

11 (iii) reaches the juvenile's 21<sup>st</sup> birthday and no exceptions apply that  
12 extend jurisdiction beyond age 21; or

13 (iv) reaches the overall case length limit;

14 (4) the court terminates jurisdiction; or

15 (5) the juvenile is convicted of a crime as an adult pursuant to chapter  
16 22 of the Kansas Statutes Annotated, and amendments thereto.

17 (e) Once jurisdiction is acquired by the district court over an alleged  
18 juvenile offender, it shall continue beyond the juvenile offender's 21<sup>st</sup>  
19 birthday but no later than the juvenile offender's 23<sup>rd</sup> birthday if:

20 (1) The juvenile offender is sentenced pursuant to K.S.A. ~~2015~~ 2016  
21 Supp. 38-2369, and amendments thereto, and the term of the sentence  
22 including successful completion of conditional release extends beyond the  
23 juvenile offender's 21<sup>st</sup> birthday but does not extend beyond the overall  
24 case length limit; or

25 (2) the juvenile offender is sentenced pursuant to an extended  
26 jurisdiction juvenile prosecution and continues to successfully serve the  
27 sentence imposed pursuant to the revised Kansas juvenile justice code.

28 (f) Termination of jurisdiction pursuant to this section shall have no  
29 effect on the juvenile offender's continuing responsibility to pay restitution  
30 ordered.

31 (g) (1) If a juvenile offender, at the time of sentencing, is in an out of  
32 home placement in the custody of the secretary for children and families  
33 under the Kansas code for care of children, the sentencing court may order  
34 the continued placement of the juvenile offender as a child in need of care.  
35 ~~In such case, the secretary for children and families shall address issues of~~  
36 ~~abuse and neglect by parents and prepare parents for the child's return~~  
37 ~~home.~~

38 (2) Court services, community corrections and the department of  
39 corrections shall address the risks and needs of the juvenile offender  
40 according to the results of the risk and needs assessment.

41 (3) If the juvenile offender is placed in the custody of the secretary of  
42 corrections, the secretary for children and families shall be responsible for  
43 collaborating with the department of corrections to furnish services

1 ordered in the child in need of care proceeding during the time of the  
2 placement pursuant to the revised Kansas juvenile justice code. Nothing in  
3 this subsection shall preclude the juvenile offender from accessing services  
4 provided by the Kansas department for children and families or any other  
5 state agency if the juvenile offender is otherwise eligible for the services.

6 (h) A court's order issued in a proceeding pursuant to this code, shall  
7 take precedence over such orders in a proceeding under chapter 23 of the  
8 Kansas Statutes Annotated, and amendments thereto, the Kansas family  
9 law code, a proceeding under article 31 of chapter 60 of the Kansas  
10 Statutes Annotated, and amendments thereto, protection from abuse act, a  
11 proceeding under article 21 of chapter 59 of the Kansas Statutes  
12 Annotated, and amendments thereto, adoption and relinquishment act, a  
13 proceeding under article 30 of chapter 59 of the Kansas Statutes  
14 Annotated, and amendments thereto, guardians and conservators, or a  
15 comparable case in another jurisdiction, except as provided by K.S.A.  
16 ~~2015~~ 2016 Supp. 23-37,101 et seq., and amendments thereto, uniform  
17 child custody jurisdiction and enforcement act.

18 Sec. 3. K.S.A. 2016 Supp. 38-2330 is hereby amended to read as  
19 follows: 38-2330. (a) A law enforcement officer may take a juvenile into  
20 custody when:

21 (1) Any offense has been or is being committed in the officer's view;

22 (2) the officer has a warrant commanding that the juvenile be taken  
23 into custody;

24 (3) the officer has probable cause to believe that a warrant or order  
25 commanding that the juvenile be taken into custody has been issued in this  
26 state or in another jurisdiction for an act committed therein;

27 (4) the officer has probable cause to believe that the juvenile is  
28 committing or has committed an act which, if committed by an adult,  
29 would constitute:

30 (A) A felony; or

31 (B) a misdemeanor and: (i) The juvenile will not be apprehended or  
32 evidence of the offense will be irretrievably lost unless the juvenile is  
33 immediately taken into custody; or (ii) the juvenile may cause injury to  
34 self or others or damage to property or may be injured unless immediately  
35 taken into custody;

36 (5) the officer has probable cause to believe that the juvenile has  
37 violated an order for electronic monitoring as a term of probation; or

38 (6) the officer receives a written statement pursuant to subsection (c).

39 (b) A court services officer, juvenile community corrections officer or  
40 other person authorized to supervise juveniles subject to this code, may  
41 take a juvenile into custody when: (1) There is a warrant commanding that  
42 the juvenile be taken into custody; or (2) the officer has probable cause to  
43 believe that a warrant or order commanding that the juvenile be taken into

1 custody has been issued in this state or in another jurisdiction for an act  
2 committed therein.

3 (c) Any court services officer, juvenile community corrections officer  
4 or other person authorized to supervise juveniles subject to this code, may  
5 request a warrant by giving the court a written statement setting forth that  
6 the juvenile, in the judgment of the court services officer, juvenile  
7 community corrections officer or other person authorized to supervise  
8 juveniles subject to this code, ~~has~~:

9 (1) (A) *Has* violated the condition of the juvenile's conditional release  
10 from detention or probation, for the third or subsequent time; *or*

11 (B) *has absconded from supervision*; and

12 (2) ~~the juvenile~~ poses a significant risk of physical harm to another or  
13 damage to property.

14 (d) (1) A juvenile taken into custody by a law enforcement officer or  
15 other person authorized pursuant to subsection (b) shall be brought without  
16 unnecessary delay to the custody of the juvenile's parent or other  
17 custodian, unless there are reasonable grounds to believe that such action  
18 would not be in the best interests of the child or would pose a risk to  
19 public safety or property.

20 (2) If the juvenile cannot be delivered to the juvenile's parent or  
21 custodian, the officer may:

22 (A) Issue a notice to appear pursuant to subsection (g); or

23 (B) contact or deliver the juvenile to an intake and assessment worker  
24 for completion of the intake and assessment process pursuant to K.S.A.  
25 75-7023, and amendments thereto.

26 (3) It shall be the duty of the officer to furnish the county or district  
27 attorney and the juvenile intake and assessment worker if the officer has  
28 delivered the juvenile to the worker or issued a notice to appear consistent  
29 with subsection (g), with all of the information in the officer's possession  
30 pertaining to the juvenile, the juvenile's parent or other persons interested  
31 in or likely to be interested in the juvenile and all other facts and  
32 circumstances which caused the juvenile to be arrested or taken into  
33 custody.

34 (e) In the absence of a court order to the contrary, the court or  
35 officials designated by the court, the county or district attorney or the law  
36 enforcement agency taking a juvenile into custody shall direct the release  
37 prior to the time specified by K.S.A. 2016 Supp. 38-2343(a), and  
38 amendments thereto. In addition, pursuant to K.S.A. 75-7023 and K.S.A.  
39 2016 Supp. 38-2346, and amendments thereto, a juvenile intake and  
40 assessment worker shall direct the release of a juvenile prior to a detention  
41 hearing after the completion of the intake and assessment process.

42 (f) Whenever a person 18 years of age or more is taken into custody  
43 by a law enforcement officer for an alleged offense which was committed

1 prior to the time the person reached the age of 18, the officer shall notify  
2 and refer the matter to the court for proceedings pursuant to this code,  
3 except that the provisions of this code relating to detention hearings shall  
4 not apply to that person. If such person is eligible for detention, and all  
5 suitable alternatives to detention have been exhausted, the person shall be  
6 detained in jail. Unless the law enforcement officer took the person into  
7 custody pursuant to a warrant issued by the court and the warrant specifies  
8 the amount of bond or indicates that the person may be released on  
9 personal recognizance, the person shall be taken before the court of the  
10 county where the alleged act took place or, at the request of the person, the  
11 person shall be taken, without delay, before the nearest court. The court  
12 shall fix the terms and conditions of an appearance bond upon which the  
13 person may be released from custody. The provisions of article 28 of  
14 chapter 22 of the Kansas Statutes Annotated and K.S.A. 22-2901, and  
15 amendments thereto, relating to appearance bonds and review of  
16 conditions and release shall be applicable to appearance bonds provided  
17 for in this section.

18 (g) (1) Whenever a law enforcement officer detains any juvenile and  
19 such juvenile is not immediately taken to juvenile intake and assessment  
20 services, the officer may serve upon such juvenile a written notice to  
21 appear. Such notice to appear shall contain the name and address of the  
22 juvenile detained, the crime charged and the location and phone number of  
23 the juvenile intake and assessment services office where the juvenile will  
24 need to appear with a parent or guardian.

25 (2) The juvenile intake and assessment services office specified in  
26 such notice to appear must be contacted by the juvenile or a parent or  
27 guardian no more than 48 hours after such notice is given, excluding  
28 weekends and holidays.

29 (3) The juvenile detained, in order to secure release as provided in  
30 this section, must give a written promise to call within the time specified  
31 by signing the written notice prepared by the officer. The original notice  
32 shall be retained by the officer and a copy shall be delivered to the juvenile  
33 detained and that juvenile's parent or guardian if such juvenile is under 18  
34 years of age. The officer shall then release the juvenile.

35 (4) The law enforcement officer shall cause to be filed, without  
36 unnecessary delay, a complaint with juvenile intake and assessment  
37 services in which a juvenile released pursuant to paragraph (3) is given  
38 notice to appear, charging the crime stated in such notice. A copy shall also  
39 be provided to the district or county attorney. If the juvenile released fails  
40 to contact juvenile intake and assessment services as required in the notice  
41 to appear, juvenile intake and assessment services shall notify the district  
42 or county attorney.

43 (5) The notice to appear served pursuant to paragraph (1) and the

1 complaint filed pursuant to paragraph (4) may be provided to the juvenile  
2 in a single citation.

3 Sec. 4. K.S.A. 2015 Supp. 38-2342 as amended by section 36 of  
4 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read  
5 as follows: 38-2342. The court may issue a warrant commanding the  
6 juvenile be taken into custody if there is probable cause to believe: (a)  
7 That an offense was committed and it was committed by the juvenile; (b)  
8 the juvenile violated probation, conditional release, or conditions of  
9 release from detention for a third or subsequent time and the juvenile  
10 poses a significant risk of physical harm to another or damage to property;  
11 ~~or~~ (c) the juvenile has escaped from a facility; *or (d) the juvenile has*  
12 *absconded from supervision.* The warrant shall designate where or to  
13 whom the juvenile is to be taken pursuant to K.S.A. ~~2015 2016~~ Supp. 38-  
14 2330(d)(1), and amendments thereto, if the court is not open for the  
15 regular conduct of business. The warrant shall describe the offense or  
16 violation charged in the complaint or the applicable circumstances of the  
17 juvenile's absconding or escaping.

18 Sec. 5. K.S.A. 2016 Supp. 38-2346 is hereby amended to read as  
19 follows: 38-2346. (a) Each director of juvenile intake and assessment  
20 services in collaboration with the county or district attorney shall adopt a  
21 policy and establish guidelines for an immediate intervention process by  
22 which a juvenile may avoid prosecution. The guidelines may include  
23 information on any offenders beyond those enumerated in subsection (b)  
24 (1) that shall be referred to immediate intervention. In addition to juvenile  
25 intake and assessment services adopting policies and guidelines for the  
26 immediate intervention process, the court, the county or district attorney,  
27 the director of the intake and assessment center and other relevant  
28 individuals or organizations, pursuant to a written agreement, shall  
29 collaboratively develop local programs to:

30 (1) Provide for the direct referral of cases to immediate intervention  
31 programs by the county or district attorney and the intake and assessment  
32 worker.

33 (2) Allow intake and assessment workers to issue a summons, as  
34 defined in subsection (e) and if juvenile intake and assessment services has  
35 adopted appropriate policies and guidelines, allow law enforcement  
36 officers to issue such a summons.

37 (3) Allow the intake and assessment centers and other immediate  
38 intervention program providers to directly purchase services for the  
39 juvenile and the juvenile's family.

40 (4) Allow intake and assessment workers to direct the release of a  
41 juvenile prior to a detention hearing after the completion of the intake and  
42 assessment process pursuant to K.S.A. 75-7023, and amendments thereto.

43 (b) (1) A juvenile who goes through the juvenile intake and

1 assessment process pursuant to K.S.A. 75-7023, and amendments thereto,  
2 shall be offered the opportunity to participate in an immediate intervention  
3 program and avoid prosecution if the juvenile is charged with a  
4 misdemeanor *that is not an offense described in chapter 55 of article 21 of*  
5 *the Kansas Statutes Annotated, and amendments thereto*, or a violation of  
6 K.S.A. 2016 Supp. 21-5507, and amendments thereto, the juvenile has no  
7 prior adjudications, and the offer is made pursuant to the guidelines  
8 developed pursuant to this section. *Participation in an immediate*  
9 *intervention program is not required to be offered to a juvenile who was*  
10 *originally charged with an offense which, if committed by an adult, would*  
11 *constitute a felony and, as a result of a plea agreement reached between*  
12 *the juvenile and prosecuting attorney, the charge has been amended to a*  
13 *misdemeanor. A juvenile who has participated in an immediate*  
14 *intervention program for a previous misdemeanor may, but is not required*  
15 *to, be offered participation in an immediate intervention program.*

16 (2) A juvenile may also participate in an immediate intervention  
17 program if the juvenile is referred for immediate intervention by the  
18 county or district attorney pursuant to subsection (d).

19 (3) Any juvenile referred to immediate intervention by juvenile intake  
20 and assessment services shall, upon acceptance, work together with court  
21 services, community corrections, juvenile intake and assessment services  
22 or any other entity designated as a part of the written agreement in  
23 subsection (a) to develop an immediate intervention plan. Such plan may  
24 be supervised or unsupervised by any of the aforementioned entities. The  
25 county or district attorneys office shall not be required to supervise  
26 juveniles participating in an immediate intervention program.

27 (4) The immediate intervention plan shall last no longer than six  
28 months from the date of referral, unless the plan requires the juvenile to  
29 complete an evidence-based mental health or substance abuse program that  
30 extends beyond the six-month period. In such case, the plan may be  
31 extended up to two additional months.

32 (5) If the juvenile satisfactorily complies with the immediate  
33 intervention plan, such juvenile shall be discharged and the charges  
34 dismissed at the end of the time period specified in paragraph (4).

35 (6) If the juvenile fails to satisfactorily comply with the immediate  
36 intervention plan, the case shall be referred to a multidisciplinary team for  
37 review. The multidisciplinary team created pursuant to K.S.A. 2016 Supp.  
38 38-2393, and amendments thereto, shall review the immediate intervention  
39 plan within seven days and may revise and extend such plan or terminate  
40 the case as successful. Such plan may be extended for no more than four  
41 additional months.

42 (7) If the juvenile fails to satisfactorily comply with the revised plan  
43 developed pursuant to paragraph (6), the intake and assessment worker,

1 court services officer or community corrections officer overseeing the  
2 immediate intervention shall refer the case to the county or district  
3 attorney for consideration.

4 (c) The parent of a juvenile may be required to be a part of the  
5 immediate intervention program.

6 (d) For all juveniles that have fewer than two prior adjudications, the  
7 county or district attorney shall review the case upon receipt of a  
8 complaint to determine if the case should be referred for immediate  
9 intervention or whether alternative means of adjudication should be  
10 designated pursuant to K.S.A. 2016 Supp. 38-2389, and amendments  
11 thereto. The county or district attorney shall consider any recommendation  
12 of a juvenile intake and assessment worker, court services officer or  
13 community corrections officer.

14 (e) "Summons" means a written order issued by an intake and  
15 assessment worker or a law enforcement officer directing that a juvenile  
16 appear before a designated court at a stated time and place to answer a  
17 pending charge.

18 (f) A juvenile who is eligible for an immediate intervention shall not  
19 be denied participation in such a program or terminated unsuccessfully due  
20 to an inability to pay fees or other associated costs. Fees assessed from  
21 such a program shall be retained by the program and shall not be used for  
22 any purpose, except development and operation of the program.

23 (g) If a juvenile substantially complies with an immediate  
24 intervention program, charges in such juvenile's case shall not be filed.

25 (h) The policies and guidelines developed pursuant to subsection (a)  
26 shall adhere to standards and procedures for immediate intervention  
27 developed by the department of corrections pursuant to K.S.A. 2016 Supp.  
28 38-2395, and amendments thereto, and be based on best practices.

29 (i) *Nothing in this section shall require a juvenile to participate in an*  
30 *immediate intervention program when the county or district attorney has*  
31 *declined to continue with prosecution of an alleged offense.*

32 Sec. 6. K.S.A. 2015 Supp. 38-2361, as amended by section 42 of  
33 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read  
34 as follows: 38-2361. (a) Upon adjudication as a juvenile offender pursuant  
35 to K.S.A.—~~2015~~ 2016 Supp. 38-2356, and amendments thereto,  
36 modification of sentence pursuant to K.S.A.—~~2015~~ 2016 Supp. 38-2367,  
37 and amendments thereto, or violation of a condition of sentence pursuant  
38 to K.S.A.—~~2015~~ 2016 Supp. 38-2368, and amendments thereto the court  
39 may impose one or more of the following sentencing alternatives for a  
40 fixed period pursuant to K.S.A.—~~2015~~ 2016 Supp. 38-2369 and ~~section 4~~  
41 ~~38-2391~~, and amendments thereto.

42 (1) Place the juvenile on probation for a fixed period pursuant to  
43 ~~section 4~~ K.S.A. 2016 Supp. 38-2391, and amendments thereto, subject to



1 terms and conditions the court deems appropriate consistent with juvenile  
2 justice programs in the community. Any juvenile placed on probation shall  
3 be supervised according to the juvenile's risk and needs as determined by a  
4 risk and needs assessment. Placement of juvenile offenders to community  
5 corrections for probation supervision shall be limited to offenders  
6 adjudicated for an offense that are determined to be moderate-risk, high-  
7 risk or very high-risk on a risk and needs assessment using the cutoff  
8 scores established by the secretary pursuant to K.S.A.-~~2015~~ 2016 Supp.  
9 38-2360, and amendments thereto.

10 (2) Order the juvenile to participate in a community based program  
11 available in such judicial district subject to the terms and conditions the  
12 court deems appropriate. This alternative shall not be ordered with the  
13 alternative in paragraph (11). Requirements pertaining to child support  
14 may apply if custody is vested with other than a parent.

15 (3) Place the juvenile in the custody of a parent or other suitable  
16 person, which is not a group home or other facility licensed pursuant to  
17 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments  
18 thereto, subject to terms and conditions consistent with juvenile justice  
19 programs in the community. This alternative shall not be ordered with the  
20 alternative in paragraph (11). Requirements pertaining to child support  
21 may apply if custody is vested with other than a parent.

22 (4) Order the juvenile to attend counseling, educational, mediation or  
23 other sessions, or to undergo a drug evaluation pursuant to subsection (b).

24 (5) Suspend or restrict the juvenile's driver's license or privilege to  
25 operate a motor vehicle on the streets and highways of this state pursuant  
26 to subsection (c).

27 (6) Order the juvenile to perform charitable or community service  
28 work.

29 (7) Order the juvenile to make appropriate reparation or restitution  
30 pursuant to subsection (d).

31 (8) Order the juvenile to pay a fine not exceeding \$1,000 pursuant to  
32 subsection (e).

33 (9) Place the juvenile under a house arrest program administered by  
34 the court pursuant to K.S.A.-~~2015~~ 2016 Supp. 21-6609, and amendments  
35 thereto.

36 (10) Place the juvenile in the custody of the secretary of corrections  
37 as provided in K.S.A.-~~2015~~ 2016 Supp. 38-2365, and amendments thereto.  
38 This alternative shall not be ordered with the alternative in paragraph (3)  
39 or (12). Except for mandatory drug and alcohol evaluation, when this  
40 alternative is ordered with alternatives in paragraphs (2), (4) and (9), such  
41 orders shall constitute a recommendation by the court. Requirements  
42 pertaining to child support shall apply under this alternative. The  
43 provisions of this paragraph shall expire on January 1, 2018.

1 (11) Upon a violation of a condition of sentence, other than a  
2 technical violation pursuant to K.S.A.–~~2015~~ 2016 Supp. 38-2368, and  
3 amendments thereto, commit the juvenile to detention for a period no  
4 longer than 30 days subject to the provisions of subsection (g).

5 (12) If the judge finds and enters into the written record that the  
6 juvenile poses a significant risk of harm to another or damage to property,  
7 and the juvenile is otherwise eligible for commitment pursuant to K.S.A.  
8 ~~2015~~ 2016 Supp. 38-2369, and amendments thereto, commit the juvenile  
9 directly to the custody of the secretary of corrections for placement in a  
10 juvenile correctional facility or a youth residential facility. Placement in a  
11 youth residential facility shall only be permitted as authorized in K.S.A.  
12 ~~2015~~ 2016 Supp. 38-2369(e), and amendments thereto. If the court elects,  
13 a period of conditional release pursuant to K.S.A.–~~2015~~ 2016 Supp. 38-  
14 2369, and amendments thereto, may also be ordered. The period of  
15 conditional release shall be limited to a maximum of six months and shall  
16 be subject to graduated responses. Twenty-one days prior to the juvenile's  
17 release from a juvenile correctional facility, the secretary of corrections or  
18 designee shall notify the court of the juvenile's anticipated release date.  
19 This alternative may be ordered with the alternative in paragraph (7).  
20 Requirements pertaining to child support shall apply under this alternative.

21 *(13) Upon a finding by the trier of fact during adjudication that a*  
22 *firearm was used in the commission of an offense by the accused which, if*  
23 *committed by an adult, would constitute a felony, a judge may commit the*  
24 *juvenile directly to the custody of the secretary of corrections for*  
25 *placement in a juvenile correctional facility or youth residential facility*  
26 *for a minimum term of six months and up to a maximum term of 18*  
27 *months, regardless of the risk level of such juvenile as determined by a*  
28 *risk and needs assessment. If the juvenile is committed to the custody of*  
29 *the secretary, and the court elects, a period of conditional release,*  
30 *pursuant to K.S.A. 2016 Supp. 38-2369, and amendments thereto, may*  
31 *also be ordered. The period of conditional release shall be limited to a*  
32 *maximum of six months and shall be subject to graduated responses.*  
33 *Twenty-one days prior to the juvenile's release from a juvenile*  
34 *correctional facility or youth residential facility, the secretary of*  
35 *corrections or the secretary's designee shall notify the court of the*  
36 *juvenile's anticipated release date.*

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

40 (1) The court may order the juvenile offender to participate in  
41 counseling or mediation sessions or a program of education, including  
42 placement in an alternative educational program approved by a local  
43 school board. The costs of any counseling or mediation may be assessed as

1 expenses in the case. No mental health center shall charge a fee for court-  
2 ordered counseling greater than what the center would have charged the  
3 person receiving the counseling if the person had requested counseling on  
4 the person's own initiative. No mediator shall charge a fee for court-  
5 ordered mediation greater than what the mediator would have charged the  
6 person participating in the mediation if the person had requested mediation  
7 on the person's own initiative. Mediation may include the victim but shall  
8 not be mandatory for the victim; and

9 (2) if the juvenile has been adjudicated to be a juvenile by reason of a  
10 violation of a statute that makes such a requirement, the court shall order  
11 and, if adjudicated for any other offense, the court may order the juvenile  
12 to submit to and complete a drug and alcohol evaluation by a community-  
13 based drug and alcohol safety action program certified pursuant to K.S.A.  
14 8-1008, and amendments thereto, and to pay a fee not to exceed the fee  
15 established by that statute for such evaluation. The court may waive the  
16 mandatory evaluation if the court finds that the juvenile completed a drug  
17 and alcohol evaluation, approved by the community-based alcohol and  
18 drug safety action program, within 12 months before sentencing. If the  
19 evaluation occurred more than 12 months before sentencing, the court  
20 shall order the juvenile to resubmit to and complete the evaluation and  
21 program as provided herein. If the court finds that the juvenile and those  
22 legally liable for the juvenile's support are indigent, the court may waive  
23 the fee. In no event shall the fee be assessed against the secretary of  
24 corrections or the department of corrections nor shall the fee be assessed  
25 against the secretary of the department for children and families or the  
26 Kansas department for children and families if the juvenile is in the  
27 secretary's care, custody and control.

28 (c) If the court orders suspension or restriction of a juvenile offender's  
29 driver's license or privilege to operate a motor vehicle on the streets and  
30 highways of this state pursuant to subsection (a)(5), the following  
31 provisions apply:

32 (1) The duration of the suspension ordered by the court shall be for a  
33 definite time period to be determined by the court. Upon suspension of a  
34 license pursuant to this subsection, the court shall require the juvenile  
35 offender to surrender the license to the court. The court shall transmit the  
36 license to the division of motor vehicles of the department of revenue, to  
37 be retained until the period of suspension expires. At that time, the licensee  
38 may apply to the division for return of the license. If the license has  
39 expired, the juvenile offender may apply for a new license, which shall be  
40 issued promptly upon payment of the proper fee and satisfaction of other  
41 conditions established by law for obtaining a license unless another  
42 suspension or revocation of the juvenile offender's privilege to operate a  
43 motor vehicle is in effect. As used in this subsection, "highway" and

1 "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and  
2 amendments thereto. Any juvenile offender who does not have a driver's  
3 license may have driving privileges revoked. No Kansas driver's license  
4 shall be issued to a juvenile offender whose driving privileges have been  
5 revoked pursuant to this section for a definite time period to be determined  
6 by the court; and

7 (2) in lieu of suspending a juvenile offender's driver's license or  
8 privilege to operate a motor vehicle on the highways of this state, the court  
9 may enter an order which places conditions on the juvenile offender's  
10 privilege of operating a motor vehicle on the streets and highways of this  
11 state, a certified copy of which the juvenile offender shall be required to  
12 carry any time the juvenile offender is operating a motor vehicle on the  
13 streets and highways of this state. The order shall prescribe a definite time  
14 period for the conditions imposed. Upon entering an order restricting a  
15 juvenile offender's license, the court shall require the juvenile offender to  
16 surrender such juvenile offender's license to the court. The court shall  
17 transmit the license to the division of vehicles, together with a copy of the  
18 order. Upon receipt thereof, the division of vehicles shall issue without  
19 charge a driver's license which shall indicate on its face that conditions  
20 have been imposed on the juvenile offender's privilege of operating a  
21 motor vehicle and that a certified copy of the order imposing the  
22 conditions is required to be carried by the juvenile offender when  
23 operating a motor vehicle on the streets and highways of this state. If the  
24 juvenile offender is a nonresident, the court shall cause a copy of the order  
25 to be transmitted to the division and the division shall forward a copy of it  
26 to the motor vehicle administrator of the juvenile offender's state of  
27 issuance. The court shall furnish to any juvenile offender whose driver's  
28 license has had conditions imposed on it under this section a copy of the  
29 order, which shall be recognized as a valid Kansas driver's license until the  
30 division issues the restricted license provided for in this subsection. Upon  
31 expiration of the period of time for which conditions are imposed pursuant  
32 to this subsection, the juvenile offender may apply to the division for the  
33 return of the license previously surrendered by the juvenile offender. In the  
34 event the license has expired, the juvenile offender may apply to the  
35 division for a new license, which shall be issued immediately by the  
36 division upon payment of the proper fee and satisfaction of the other  
37 conditions established by law unless such juvenile offender's privilege to  
38 operate a motor vehicle on the streets and highways of this state has been  
39 suspended or revoked prior thereto. If any juvenile offender violates any of  
40 the conditions imposed under this subsection, the juvenile offender's  
41 driver's license or privilege to operate a motor vehicle on the streets and  
42 highways of this state shall be revoked for a period as determined by the  
43 court in which the juvenile offender is convicted of violating such

1 conditions.

2 (d) The following provisions apply to the court's determination of  
3 whether to order reparation or restitution pursuant to subsection (a)(7):

4 (1) The court shall order the juvenile to make reparation or restitution  
5 to the aggrieved party for the damage or loss caused by the juvenile  
6 offender's offense unless it finds compelling circumstances that would  
7 render a plan of reparation or restitution unworkable. If the court finds  
8 compelling circumstances that would render a plan of reparation or  
9 restitution unworkable, the court shall enter such findings with  
10 particularity on the record. In lieu of reparation or restitution, the court  
11 may order the juvenile to perform charitable or social service for  
12 organizations performing services for the community; and

13 (2) restitution may include, but shall not be limited to, the amount of  
14 damage or loss caused by the juvenile's offense. Restitution may be made  
15 by payment of an amount fixed by the court or by working for the parties  
16 sustaining loss in the manner ordered by the court. An order of monetary  
17 restitution shall be a judgment against the juvenile that may be collected  
18 by the court by garnishment or other execution as on judgments in civil  
19 cases. Such judgment shall not be affected by the termination of the court's  
20 jurisdiction over the juvenile offender.

21 (e) If the court imposes a fine pursuant to subsection (a)(8), the  
22 following provisions apply:

23 (1) The amount of the fine may not exceed \$1,000 for each offense.  
24 The amount of the fine should be related to the seriousness of the offense  
25 and the juvenile's ability to pay. Payment of a fine may be required in a  
26 lump sum or installments;

27 (2) in determining whether to impose a fine and the amount to be  
28 imposed, the court shall consider that imposition of a fine is most  
29 appropriate in cases where the juvenile has derived pecuniary gain from  
30 the offense and that imposition of a restitution order is preferable to  
31 imposition of a fine; and

32 (3) any fine imposed by court shall be a judgment against the juvenile  
33 that may be collected by the court by garnishment or other execution as on  
34 judgments in civil cases. Such judgment shall not be affected by the  
35 termination of the court's jurisdiction over the juvenile.

36 (f) Before the court sentences a juvenile offender pursuant to  
37 subsection (a), the court shall administer a risk assessment tool, as  
38 described in K.S.A.-2015 2016 Supp. 38-2360, and amendments thereto,  
39 or review a risk assessment tool that was administered within the past six  
40 months to the juvenile and use the results of that assessment to inform  
41 orders made pursuant to K.S.A.-2015 2016 Supp. 38-2369 and ~~section 1~~  
42 ~~38-2391~~, and amendments thereto.

43 (g) If the court commits the juvenile to detention pursuant to

1 subsection (a)(11), the following provisions shall apply:

2 (1) The court shall only order commitment to detention upon  
3 violation of sentencing conditions where all other alternatives have been  
4 exhausted.

5 (2) In order to commit a juvenile to detention upon violation of  
6 sentencing conditions, the court shall find that the juvenile poses a  
7 significant risk of harm to another or damage to property, is charged with a  
8 new felony offense, or violates conditional release.

9 (3) The court shall not order commitment to detention upon  
10 adjudication as a juvenile offender pursuant to K.S.A. ~~2015~~ 2016 Supp.  
11 38-2356, and amendments thereto, for solely technical violations of  
12 probation, contempt, a violation of a valid court order, to protect from self-  
13 harm or due to any state or county failure to find adequate alternatives.

14 (4) Cumulative detention use shall be limited to a maximum of 45  
15 days over the course of a juvenile offender's case pursuant to ~~section 4~~  
16 K.S.A. 2016 Supp. 38-2391, and amendments thereto. The court shall  
17 review any detention commitment every seven days and; may shorten the  
18 initial commitment or extend the commitment. In no case, however, may  
19 the term of detention or any extension thereof exceed the cumulative  
20 detention limit of 45 days or the overall case length limit.

21 (5) A juvenile over 18 years of age and less than 23 years of age at  
22 sentencing shall be committed to a county jail, in lieu of a juvenile  
23 detention center, under the same time restrictions imposed by paragraph  
24 (1), but shall not be committed to or confined in a juvenile detention  
25 facility.

26 (h) Any order issued by the judge pursuant to this section shall be in  
27 effect immediately upon entry into the court's minutes.

28 (i) In addition to the requirements of K.S.A. ~~2015~~ 2016 Supp. 38-  
29 2373, and amendments thereto, if a person is under 18 years of age and  
30 convicted of a felony or adjudicated as a juvenile offender for an offense if  
31 committed by an adult would constitute the commission of a felony, the  
32 court shall forward a signed copy of the journal entry to the secretary of  
33 corrections within 30 days of final disposition.

34 (j) Except as further provided, if a juvenile has been adjudged to be a  
35 juvenile offender for an offense ~~that~~ which, if committed by an adult  
36 would constitute the commission of: (1) Aggravated human trafficking, as  
37 defined in K.S.A. ~~2015~~ 2016 Supp. 21-5426(b), and amendments thereto,  
38 if the victim is less than 14 years of age; (2) rape, as defined in K.S.A.  
39 ~~2015~~ 2016 Supp. 21-5503(a)(3), and amendments thereto; (3) aggravated  
40 indecent liberties with a child, as defined in K.S.A. ~~2015~~ 2016 Supp. 21-  
41 5506(b)(3), and amendments thereto; (4) aggravated criminal sodomy, as  
42 defined in K.S.A. ~~2015~~ 2016 Supp. 21-5504(b)(1) or (b)(2), and  
43 amendments thereto; (5) commercial sexual exploitation of a child, as

1 defined in K.S.A. ~~2015~~ 2016 Supp. 21-6422, and amendments thereto, if  
2 the victim is less than 14 years of age; (6) sexual exploitation of a child, as  
3 defined in K.S.A. ~~2015~~ 2016 Supp. 21-5510(a)(1) or (a)(4), and  
4 amendments thereto, if the victim is less than 14 years of age; or (7) an  
5 attempt, conspiracy or criminal solicitation, as defined in K.S.A. ~~2015~~  
6 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an  
7 offense defined in paragraphs (1) through (6); the court shall issue an order  
8 prohibiting the juvenile from attending the attendance center that the  
9 victim of the offense attends. If only one attendance center exists, for  
10 which the victim and juvenile are eligible to attend, in the school district  
11 where the victim and the juvenile reside, the court shall hear testimony and  
12 take evidence from the victim, the juvenile, their families and a  
13 representative of the school district as to why the juvenile should or should  
14 not be allowed to remain at the attendance center attended by the victim.  
15 After such hearing, the court may issue an order prohibiting the juvenile  
16 from attending the attendance center that the victim of the offense attends.

17 (k) The court may order a short-term alternative placement of a  
18 juvenile pursuant to subsection (a)(3) in an emergency shelter, therapeutic  
19 foster home or community integration program if:

20 (1) Such juvenile has been adjudicated to be a juvenile offender for an  
21 offense ~~that~~ *which*, if committed by an adult would constitute the  
22 commission of:

23 (A) Aggravated human trafficking, as defined in K.S.A. ~~2015~~ 2016  
24 Supp. 21-5426(b), and amendments thereto, if the victim is less than 14  
25 years of age;

26 (B) rape, as defined in K.S.A. ~~2015~~ 2016 Supp. 21-5503, and  
27 amendments thereto;

28 (C) commercial sexual exploitation of a child, as defined in K.S.A.  
29 ~~2015~~ 2016 Supp. 21-6422, and amendments thereto, if the victim is less  
30 than 14 years of age;

31 (D) sexual exploitation of a child, as defined in K.S.A. ~~2015~~ 2016  
32 Supp. 21-5510(a)(1) or (a)(4), and amendments thereto, if the victim is  
33 less than 14 years of age;

34 (E) aggravated indecent liberties with a child, as defined in K.S.A.  
35 ~~2015~~ 2016 Supp. 21-5506, and amendments thereto, if the victim is less  
36 than 14 years of age; or

37 (F) an attempt, conspiracy or criminal solicitation, as defined in  
38 K.S.A. ~~2015~~ 2016 Supp. 21-5301, 21-5302 or 21-5303, and amendments  
39 thereto, of an offense defined in paragraphs (1) through (4); and

40 (2) (A) the victim resides in the same home as the juvenile offender;

41 (B) a community supervision officer in consultation with the  
42 department for children and families determines that an adequate safety  
43 plan, which shall include the physical and psychological well-being of the

1 victim, cannot be developed to keep the juvenile in the same home; and

2 (C) there are no relevant child in need of care issues that would  
3 permit a case to be filed under the Kansas code for care of children.

4 The presumptive term of commitment shall not extend beyond ~~three~~  
5 ~~months and~~ the overall case length limit but may be modified pursuant to  
6 K.S.A. ~~2015~~ 2016 Supp. 38-2367 and ~~section 8~~ 38-2397, and amendments  
7 thereto. If a child is placed outside the child's home at the dispositional  
8 hearing pursuant to this subsection and no reintegration plan is made a part  
9 of the record of the hearing, a written reintegration plan shall be prepared  
10 pursuant to ~~section 8~~ K.S.A. 2016 Supp. 38-2397, and amendments thereto,  
11 and submitted to the court within 15 days of the initial order of the court.

12 (l) The sentencing hearing shall be open to the public as provided in  
13 K.S.A. ~~2015~~ 2016 Supp. 38-2353, and amendments thereto.

14 (m) The overall case length limit shall be calculated by the court and  
15 entered into the written record when one or more of the sentencing options  
16 under this section are imposed. The period fixed by the court pursuant to  
17 subsection (a) shall not extend beyond the overall case length limit.

18 Sec. 7. K.S.A. 2015 Supp. 38-2368, as amended by section 45 of  
19 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read  
20 as follows: 38-2368. If it is alleged that a juvenile offender has violated a  
21 condition of probation or of a court-ordered placement, the county or  
22 district attorney, the current custodian of the juvenile offender, or the  
23 victim of the offense committed by the offender may file a report with the  
24 assigned community supervision officer of the juvenile offender. If, upon  
25 review by the assigned community supervision officer of the juvenile  
26 offender, it is determined that the violation is eligible under ~~section 2~~  
27 K.S.A. 2016 Supp. 38-2392, and amendments thereto, for review by the  
28 court, the assigned community supervision officer may file a report with  
29 the court describing the alleged violation. The court shall provide copies of  
30 the report to the parties to the proceeding. The court, upon the court's own  
31 motion or the motion of the secretary of corrections or any party, shall set  
32 the matter for hearing and may issue a warrant pursuant to K.S.A. ~~2015~~  
33 2016 Supp. 38-2342, and amendments thereto, if there is probable cause to  
34 believe that the juvenile poses a significant risk of physical harm to  
35 another or damage to property. Upon receipt of the motion, the court shall  
36 fix a time and place for hearing and provide notice to the movant and to  
37 the current custodian of the juvenile offender and to each party to the  
38 proceeding. If the court finds by a preponderance of the evidence that the  
39 juvenile offender *has absconded from supervision*, violated a condition of  
40 probation or placement or committed a technical violation for a third or  
41 subsequent time, the court may, subject to the overall case length limit,  
42 extend or modify the terms of probation or placement or enter another  
43 sentence pursuant to K.S.A. ~~2015~~ 2016 Supp. 38-2361, and amendments



1 thereto, except that a child support order which has been registered under  
2 K.S.A.-~~2015~~ 2016 Supp. 38-2321, and amendments thereto, may only be  
3 modified pursuant to K.S.A.-~~2015~~ 2016 Supp. 38-2321, and amendments  
4 thereto.

5 Sec. 8. K.S.A. 2015 Supp. 38-2369, as amended by section 46 of  
6 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read  
7 as follows: 38-2369. (a) Except as provided in subsection (e) and K.S.A.  
8 2016 Supp. 38-2361(a)(13), for the purpose of committing juvenile  
9 offenders to a juvenile correctional facility, upon a finding by the judge  
10 entered into the written order that the juvenile poses a significant risk of  
11 harm to another or damage to property, the following placements shall be  
12 applied by the judge in the cases specified in this subsection. If used, the  
13 court shall establish a specific term of commitment as specified in this  
14 subsection. The term of commitment established by the court shall not  
15 exceed the overall case length limit. Before a juvenile offender is  
16 committed to a juvenile correctional facility pursuant to this section, the  
17 court shall administer a risk assessment tool, as described in K.S.A.-~~2015~~  
18 2016 Supp. 38-2360, and amendments thereto, or review a risk assessment  
19 tool that was administered within the past six months to the juvenile.

20 (1) *Violent Offenders.* (A) The violent offender I is defined as an  
21 offender adjudicated as a juvenile offender for an offense which, if  
22 committed by an adult, would constitute an off-grid felony. Offenders in  
23 this category may be committed to a juvenile correctional facility for a  
24 minimum term of 60 months and up to a maximum term of the offender  
25 reaching the age of 22 years, six months. The aftercare term for this  
26 offender is set at a minimum term of six months and up to a maximum  
27 term of the offender reaching the age of 23 years.

28 (B) The violent offender II is defined as an offender adjudicated as a  
29 juvenile offender for an offense which, if committed by an adult, would  
30 constitute a nondrug severity level 1, 2 or 3 felony. Offenders in this  
31 category may be committed to a juvenile correctional facility for a  
32 minimum term of 24 months and up to a maximum term of the offender  
33 reaching the age of 22 years, six months. The aftercare term for this  
34 offender is set at a minimum term of six months and up to a maximum  
35 term of the offender reaching the age of 23 years.

36 (2) *Serious Offenders.* (A) The serious offender I is defined as an  
37 offender adjudicated as a juvenile offender for an offense which, if  
38 committed by an adult, would constitute a nondrug severity level 4, person  
39 felony.

40 Offenders in this category may be committed to a juvenile correctional  
41 facility for a minimum term of 18 months and up to a maximum term of 36  
42 months. The aftercare term for this offender is set at a minimum term of  
43 six months and up to a maximum term of 24 months.

1 (B) The serious offender II is defined as an offender adjudicated as a  
2 juvenile offender for an offense:

3 (i) Committed prior to July 1, 2012, which, if committed by an adult  
4 prior to July 1, 2012, would constitute a drug severity level 1 or 2 felony;  
5 or

6 (ii) committed on or after July 1, 2012, which, if committed by an  
7 adult on or after July 1, 2012, would constitute a drug severity level 1, 2 or  
8 3 felony or a nondrug severity level 5 or 6 person felony.

9 Offenders in this category may be committed to a juvenile correctional  
10 facility for a minimum term of nine months and up to a maximum term of  
11 18 months.

12 ~~(C) The serious offender III is defined as an offender adjudicated as a~~  
13 ~~juvenile offender for an offense which, if committed by an adult, would~~  
14 ~~constitute a nondrug severity level 7, person felony with one prior felony~~  
15 ~~adjudication. Offenders in this category may only be committed to a~~  
16 ~~juvenile correctional facility if they are assessed as high-risk on a risk and~~  
17 ~~needs assessment. Offenders in this category may be committed to a~~  
18 ~~juvenile correctional facility for a minimum term of six months and up to a~~  
19 ~~maximum term of 12 months.~~

20 ~~(D)~~ The serious offender ~~IV~~ III is defined as an offender adjudicated  
21 as a juvenile offender for an offense which, if committed by an adult,  
22 would constitute a nondrug severity level 7, 8, 9 or 10 person felony with  
23 one prior felony adjudication. Offenders in this category may only be  
24 committed to a juvenile correctional facility if such offenders are assessed  
25 as high-risk on a risk and needs assessment. Offenders in this category  
26 may be committed to a juvenile correctional facility for a minimum term  
27 of six months and up to a maximum term of 12 months.

28 (3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is  
29 defined as an offender adjudicated as a juvenile offender for an offense:

30 (i) Which, if committed by an adult, would constitute one present  
31 nonperson felony adjudication and two prior felony adjudications;

32 (ii) committed prior to July 1, 2012, which, if committed by an adult  
33 prior to July 1, 2012, would constitute one present drug severity level 3  
34 felony adjudication and two prior felony adjudications; or

35 (iii) committed on or after July 1, 2012, which, if committed by an  
36 adult on or after July 1, 2012, would constitute one present drug severity  
37 level 4 felony adjudication and two prior felony adjudications.

38 Offenders in this category may only be committed to a juvenile  
39 correctional facility if such offenders are assessed as high-risk on a risk  
40 and needs assessment. Offenders in this category may be committed to a  
41 juvenile correctional facility for a minimum term of six months and up to a  
42 maximum term of 12 months.

43 (b) *Conditional Release.* If the court elects, a period of conditional

1 release may also be ordered pursuant to K.S.A. ~~2015~~ 2016 Supp. 38-2361,  
2 and amendments thereto. The period of conditional release shall be limited  
3 to a maximum of six months and shall be subject to graduated responses.  
4 The presumption upon release shall be a return to the juvenile's home,  
5 unless the case plan developed pursuant to K.S.A. ~~2015~~ 2016 Supp. 38-  
6 2373, and amendments thereto, recommends a different reentry plan.

7 (1) Upon finding the juvenile violated a requirement or requirements  
8 of conditional release, the court may enter one or more of the following  
9 orders:

10 (A) Recommend additional conditions be added to those of the  
11 existing conditional release.

12 (B) Order the offender to serve a period of detention pursuant to  
13 K.S.A. ~~2015~~ 2016 Supp. 38-2361(g), and amendments thereto.

14 (C) Revoke or restrict the juvenile's driving privileges as described in  
15 K.S.A. ~~2015~~ 2016 Supp. 38-2361(c), and amendments thereto.

16 (2) Discharge the offender from the custody of the secretary of  
17 corrections, release the secretary of corrections from further  
18 responsibilities in the case and enter any other appropriate orders.

19 (c) As used in this section, "adjudication" includes out-of-state  
20 juvenile adjudications. An out-of-state offense, which if committed by an  
21 adult would constitute the commission of a felony or misdemeanor, shall  
22 be classified as either a felony or a misdemeanor according to the  
23 adjudicating jurisdiction. If an offense which if committed by an adult  
24 would constitute the commission of a felony is a felony in another state, it  
25 will be deemed a felony in Kansas. The state of Kansas shall classify the  
26 offense, which if committed by an adult would constitute the commission  
27 of a felony or misdemeanor, as person or nonperson. In designating such  
28 offense as person or nonperson, reference to comparable offenses shall be  
29 made. If the state of Kansas does not have a comparable offense, the out-  
30 of-state adjudication shall be classified as a nonperson offense.

31 (d) The secretary of corrections shall work with the community to  
32 provide on-going support and incentives for the development of additional  
33 evidence-based community practices and programs to ensure that the  
34 juvenile correctional facility is not frequently utilized.

35 (e) There shall be a rebuttable presumption that all offenders in the  
36 chronic offender category and offenders at least 10 years of age but less  
37 than 14 years of age in the serious offender II; *or* III-~~or~~ IV category, shall  
38 be placed in the custody of the secretary for placement in a youth  
39 residential facility in lieu of placement in the juvenile correctional facility.  
40 This presumption may be rebutted by a finding on the record that the  
41 juvenile offender poses a significant risk of physical harm to another.

42 Sec. 9. K.S.A. 2015 Supp. 38-2375, as amended by section 51 of  
43 chapter 46 of the 2016 Session Laws of Kansas, is hereby amended to read

1 as follows: 38-2375. If it is alleged that a juvenile offender who has been  
2 conditionally released from a juvenile correctional facility has failed to  
3 obey the specified conditions of release for the third or subsequent time *or*  
4 *has absconded from supervision*, the officer assigned to supervise  
5 compliance with the conditions of release or, upon referral from such  
6 officer, the county or district attorney may file a report with the  
7 committing court or the court of the county in which the juvenile offender  
8 resides describing the alleged violation and the juvenile's history of  
9 violations. The court shall provide copies of the report to the parties to the  
10 proceedings. The court, upon the court's own motion or the county or  
11 district attorney, shall set the matter for hearing. The movant shall provide  
12 notice of the motion and hearing to each party to the proceeding and the  
13 current custodian and placement of the juvenile offender. If the court finds  
14 that a condition of release has been violated, the court may modify or  
15 impose additional conditions of release that the court considers appropriate  
16 pursuant to K.S.A. ~~2015~~ 2016 Supp. 38-2369, and amendments thereto.

17 Sec. 10. K.S.A. 2016 Supp. 38-2391 is hereby amended to read as  
18 follows: 38-2391. (a) Upon adjudication as a juvenile offender pursuant to  
19 K.S.A. 2016 Supp. 38-2356, and amendments thereto, modification of  
20 sentence pursuant to K.S.A. 2016 Supp. 38-2367, and amendments thereto,  
21 or violation of a condition of sentence pursuant to K.S.A. 2016 Supp. 38-  
22 2368, and amendments thereto, the court may impose one or more of the  
23 sentencing alternatives under K.S.A. 2016 Supp. 38-2361, and  
24 amendments thereto, for a period of time pursuant to this section and  
25 K.S.A. 2016 Supp. 38-2369, and amendments thereto. The period of time  
26 ordered by the court shall not exceed the overall case length limit.

27 (b) Except as provided in subsection (c), the overall case length limit  
28 shall be calculated based on the adjudicated offense and the results of a  
29 risk and needs assessment, as follows:

30 (1) Offenders adjudicated for a misdemeanor may remain under the  
31 jurisdiction of the court for up to 12 months;

32 (2) low-risk and moderate-risk offenders adjudicated for a felony may  
33 remain under court jurisdiction for up to 15 months; and

34 (3) high-risk offenders adjudicated for a felony may remain under  
35 court jurisdiction for up to 18 months.

36 (c) There shall be no overall case length limit for a juvenile  
37 adjudicated for a felony ~~that~~ *which*, if committed by an adult, would  
38 constitute an off-grid felony or a nondrug severity level 1 through 4 person  
39 felony.

40 (d) When a juvenile is adjudicated for multiple counts, the maximum  
41 overall case length shall be calculated based on the most severe  
42 adjudicated count or any other adjudicated count at the court's discretion.  
43 The court shall not run multiple adjudicated counts consecutively.

1 (e) When the juvenile is adjudicated for multiple cases  
2 simultaneously, the court shall run those cases concurrently.

3 (f) Upon expiration of the overall case length limit as defined in  
4 subsection (b), the court's jurisdiction terminates and shall not be  
5 extended.

6 (g) (1) For the purposes of placing juvenile offenders on probation  
7 pursuant to K.S.A. 2016 Supp. 38-2361, and amendments thereto, the  
8 court shall establish a specific term of probation as specified in this  
9 subsection based on the most serious adjudicated count in combination  
10 with the results of a risk and needs assessment, as follows, except that the  
11 term of probation shall not exceed the overall case length limit:

12 (A) Low-risk and moderate-risk offenders adjudicated for a  
13 misdemeanor and low-risk offenders adjudicated for a felony may be  
14 placed on probation for a term up to six months;

15 (B) high-risk offenders adjudicated for a misdemeanor and moderate-  
16 risk offenders adjudicated for a felony may be placed on probation for a  
17 term up to nine months;

18 (C) high-risk offenders adjudicated for a felony may be placed on  
19 probation for a term up to 12 months.

20 (2) The court may extend the term of probation if a juvenile needs  
21 time to complete an evidence-based program as determined to be  
22 necessary based on the results of a validated risk and needs assessment.  
23 The court may also extend the term of probation for good cause shown for  
24 one month for low-risk offenders, three months for moderate-risk  
25 offenders and six months for high-risk offenders. Prior to extension of the  
26 initial probationary term, the court shall find and enter into the written  
27 record the criteria permitting extension of probation. Extensions of  
28 probation shall only be granted incrementally and shall not exceed the  
29 overall case length limit. When the court extends the term of probation for  
30 a juvenile offender, the court services officer or community correctional  
31 services officer responsible for monitoring such juvenile offender shall  
32 record the reason given for extending probation. Court services officers  
33 shall report such records to the office of judicial administration, and  
34 community correctional services officers shall report such records to the  
35 department of corrections. The office of judicial administration and the  
36 department of corrections shall report such recorded data to the Kansas  
37 juvenile justice oversight committee on a quarterly basis.

38 (3) The probation term limits do not apply to those offenders  
39 adjudicated for *an offense which, if committed by an adult, would*  
40 *constitute* an off-grid crime, rape as defined in K.S.A. 2016 Supp. 21-  
41 5503(a)(1), and amendments thereto, aggravated criminal sodomy as  
42 defined in K.S.A. 2016 Supp. 21-5504(b)(3), and amendments thereto, or  
43 murder in the second degree as defined in K.S.A. 2016 Supp. 21-5403, and

1 amendments thereto. Such offenders may be placed on probation for a  
2 term consistent with the overall case length limit.

3 (4) *The probation term limits and overall case length limits provided*  
4 *in this section shall be tolled during any time that the offender has*  
5 *absconded from supervision while on probation.*

6 (h) For the purpose of placing juvenile offenders in detention  
7 pursuant to K.S.A. 2016 Supp. 38-2361 and 38-2369, and amendments  
8 thereto, the court shall establish a specific term of detention. The term of  
9 detention shall not exceed the overall case length limit or the cumulative  
10 detention limit. Cumulative detention use shall be limited to a maximum  
11 of 45 days over the course of the juvenile offender's case, except that there  
12 shall be no limit on cumulative detention for juvenile offenders  
13 adjudicated for a felony—~~that~~ *which*, if committed by an adult, would  
14 constitute an off-grid felony or a nondrug severity level 1 through 4 person  
15 felony.

16 (i) *The provisions of this section shall apply upon disposition or 15*  
17 *days after adjudication, whichever is sooner.*

18 ~~(j)~~(j) This section shall be part of and supplemental to the revised  
19 Kansas juvenile justice code.

20 ~~(j)—This section shall take effect on and after July 1, 2017.~~

21 Sec. 11. K.S.A. 2016 Supp. 38-2392 is hereby amended to read as  
22 follows: 38-2392. (a) The department of corrections shall, in consultation  
23 with the supreme court, adopt rules and regulations by January 1, 2017, for  
24 a statewide system of structured community-based graduated responses for  
25 technical violations of probation, violations of conditional release and  
26 violations of a condition of sentence by juveniles. Such graduated  
27 responses shall be utilized by community supervision officers to provide a  
28 continuum of community-based responses. These responses shall include  
29 sanctions that are swift and certain to address violations based on the  
30 severity of the violation as well as incentives that encourage positive  
31 behaviors. Such responses shall take into account the juvenile's risks and  
32 needs.

33 (b) When a juvenile is placed on probation pursuant to K.S.A. 2016  
34 Supp. 38-2361, and amendments thereto, community supervision officers  
35 shall utilize graduated responses, targeted to the juvenile's risks and needs  
36 based on the results of a risk and needs assessment to address technical  
37 violations. A technical violation shall only be considered by the court for  
38 revocation if: (1) It is a third or subsequent technical violation; (2) prior  
39 failed responses are documented in the juvenile's case plan; and (3) the  
40 community supervision officer has determined and documented that  
41 graduated responses to the violation will not suffice. Unless a juvenile  
42 poses a significant risk of physical harm to another or damage to property,  
43 community supervision officers shall issue a summons rather than request

1 a warrant on a third or subsequent technical violation subject to review by  
2 the court. *Absconding from supervision shall not be considered a technical*  
3 *violation of probation and, after reasonable efforts to locate a juvenile*  
4 *that has absconded are unsuccessful, the court may issue a warrant for the*  
5 *juvenile pursuant to K.S.A. 2016 Supp. 38-2342, and amendments*  
6 *thereto.*

7 (c) When a juvenile is placed on probation pursuant to K.S.A. 2016  
8 Supp. 38-2361, and amendments thereto, the community supervision  
9 officer responsible for oversight of the juvenile shall develop a case plan in  
10 consultation with the juvenile and the juvenile's family. The department for  
11 children and families and local board of education may participate in the  
12 development of the case plan when appropriate.

13 (1) Such case plan shall incorporate the results of the risk and needs  
14 assessment, referrals to programs, documentation on violations and  
15 graduated responses and shall clearly define the role of each person or  
16 agency working with the juvenile.

17 (2) If the juvenile is later committed to the custody of the secretary,  
18 the case plan shall be shared with the juvenile correctional facility.

19 (d) This section shall be part of and supplemental to the revised  
20 Kansas juvenile justice code.

21 Sec. 12. K.S.A. 2016 Supp. 75-52,161 is hereby amended to read as  
22 follows: 75-52,161. (a) There is hereby established the Kansas juvenile  
23 justice oversight committee for the purpose of overseeing the  
24 implementation of reform measures intended to improve the state's  
25 juvenile justice system.

26 (b) The Kansas juvenile justice oversight committee shall be  
27 composed of ~~19~~ 21 members including the following individuals:

28 (1) The governor or the governor's designee;

29 (2) one member of the house of representatives appointed by the  
30 speaker of the house of representatives;

31 (3) one member of the house of representatives appointed by the  
32 minority leader of the house of representatives;

33 (4) one member of the senate appointed by the president of the  
34 senate;

35 (5) one member of the senate appointed by the minority leader of the  
36 senate;

37 (6) the secretary of corrections or the secretary's designee;

38 (7) the secretary for children and families or the secretary's designee;

39 (8) the commissioner of education or the commissioner's designee;

40 (9) the deputy secretary of juvenile services at the department of  
41 corrections or the deputy's designee;

42 (10) the director of community-based services at the department of  
43 corrections, or the director's designee;

1 (11) two district court judges appointed by the chief justice of the  
2 supreme court;

3 (12) one chief court services officer appointed by the chief justice of  
4 the supreme court;

5 (13) one member of the office of judicial administration appointed by  
6 the chief justice of the supreme court;

7 (14) one juvenile defense attorney appointed by the chief justice of  
8 the supreme court;

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

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

12 (17) one attorney from a prosecuting attorney's office appointed by  
13 the attorney general; ~~and~~

14 (18) one member from a community corrections agency appointed by  
15 the governor;

16 (19) *one youth member of the Kansas advisory group on juvenile*  
17 *justice and delinquency prevention appointed by the chair of the Kansas*  
18 *advisory group on juvenile justice and delinquency prevention; and*

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

21 (c) The committee shall be appointed by September 1, 2016, and shall  
22 meet within 60 days after appointment and at least quarterly thereafter,  
23 upon notice by the chair. The committee shall select a chairperson and  
24 vice-chairperson, and ~~40~~ 11 members shall be considered a quorum.

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

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

28 (2) define performance measures and recidivism;

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

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

34 (5) ensure system integration and accountability;

35 (6) monitor the fidelity of implementation efforts to programs and  
36 training efforts;

37 (7) calculate any state expenditures that have been avoided by  
38 reductions in the number of youth placed in out-of-home placements to  
39 recommend to the governor and the legislature reinvestment of funds into:

40 (A) Evidence-based practices and programs in the community  
41 pursuant to K.S.A. 2016 Supp. 38-2302, and amendments thereto, for use  
42 by intake and assessment services, immediate intervention, probation and  
43 conditional release;



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

5 (C) monitor the plan from the department of corrections for the  
6 prioritization of funds pursuant to K.S.A. 2016 Supp. 75-52,164(d), and  
7 amendments thereto;

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

10 (A) The confidentiality of juvenile records;

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

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

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

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

19 (F) the requirement for youth residential facilities to maintain sight  
20 and sound separation between children in need of care that have an open  
21 juvenile offender case and children in need of care that do not have an  
22 open juvenile offender case;

23 (9) adhere to the goals of the juvenile justice code as provided in  
24 K.S.A. 2016 Supp. 38-2301, and amendments thereto;

25 (10) analyze and investigate gaps in the juvenile justice system and  
26 explore alternatives to out-of-home placement of juvenile offenders in  
27 youth residential facilities; ~~and~~

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

30 (12) *study and create a plan to address the disparate treatment and*  
31 *availability of resources for juveniles with mental health needs in the*  
32 *juvenile justice system; and*

33 (13) *review portions of juvenile justice reform that require the*  
34 *department of corrections and the office of judicial administration to*  
35 *cooperate and make recommendations when there is not consensus*  
36 *between the two agencies.*

37 (e) The committee shall issue an annual report to the governor, the  
38 president of the senate, the speaker of the house of representatives and the  
39 chief justice of the supreme court on or before November 30<sup>th</sup> each year  
40 starting in 2017. Such report shall include:

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

43 (2) a summary of the committee's efforts in fulfilling its duties as set

1 forth in this section;

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

4 (4) a summary of the averted costs calculated by the committee  
5 pursuant to this section and a recommendation for any reinvestment of the  
6 averted costs to fund services or programs to expand Kansas' continuum of  
7 alternatives for juveniles who would otherwise be placed in out-of-home  
8 placements;

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

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

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

18 (8) data received from the office of judicial administration and the  
19 department of corrections, pursuant to K.S.A. 2016 Supp. 38-2391, and  
20 amendments thereto, pertaining to extensions of probation for juvenile  
21 offenders and an analysis of such data to identify how probation  
22 extensions are being used and conclusions regarding the effectiveness of  
23 such extensions.

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

30 (g) The staff of the Kansas department of corrections shall provide  
31 such assistance as may be requested by the committee. To facilitate the  
32 organization of the meetings of the committee, the Kansas department of  
33 corrections shall provide administrative assistance.

34 Sec. 13. K.S.A. 2016 Supp. 75-52,162 is hereby amended to read as  
35 follows: 75-52,162. (a) The department of corrections and the Kansas  
36 juvenile justice oversight committee shall explore methods of exchanging  
37 confidential data between all parts of the juvenile justice system. Such data  
38 exchange shall be limited based on the needs of the user accessing the  
39 data. Such method of exchanging data shall take into consideration sharing  
40 data that is necessary for continuity of treatment and correctional  
41 programs, including, but not limited to, health care requirements, mental  
42 health care needs and history, substance abuse treatment and history,  
43 recommendations for emergency placement options and any other

1 information to assist in providing proper care to the juvenile. The  
2 department of corrections is authorized to use grant funds, allocated state  
3 funds or any other accessible funding necessary to create such data  
4 exchange system. All state and local programs involved in the care of  
5 juveniles involved in the juvenile justice system or the child in need of  
6 care system shall cooperate in the development and utilization of such  
7 system.

8 *(b) The department of corrections shall establish and maintain a*  
9 *statewide searchable database that contains information regarding*  
10 *juveniles who participate in an immediate intervention program. County*  
11 *and district attorneys, judges, community supervision officers and juvenile*  
12 *intake and assessment workers shall have access to the database and shall*  
13 *submit necessary data to such database. The department of corrections*  
14 *shall, in consultation with the office of judicial administration, adopt rules*  
15 *and regulations to carry out the provisions of this subsection.*

16 Sec. 14. K.S.A. 2016 Supp. 75-52,164 is hereby amended to read as  
17 follows: 75-52,164. (a) There is hereby established in the state treasury the  
18 ~~Kansas juvenile justice improvement fund evidence-based programs~~  
19 ~~account of the state general fund~~, which shall be administered by the  
20 department of corrections. All expenditures from the ~~Kansas juvenile~~  
21 ~~justice improvement fund evidence-based programs account of the state~~  
22 ~~general fund~~ shall be for the development and implementation of  
23 evidence-based community programs and practices for juvenile offenders  
24 and their families by community supervision offices, including, but not  
25 limited to, juvenile intake and assessment, court services and community  
26 corrections. All expenditures from the ~~Kansas juvenile justice~~  
27 ~~improvement fund evidence-based programs account of the state general~~  
28 ~~fund~~ shall be made in accordance with appropriation acts upon warrants of  
29 the director of accounts and reports issued pursuant to vouchers approved  
30 by the secretary of corrections or the secretary's designee.

31 *(b) At least annually, ~~on or before June 30~~ throughout the year, the*  
32 *secretary of corrections shall determine and certify to the director of*  
33 *accounts and reports the amount in each account of the state general fund*  
34 *of a state agency that has been determined by the secretary to be actual or*  
35 *projected cost savings as a result of cost avoidance resulting from*  
36 *decreased reliance on incarceration in the juvenile correctional facility and*  
37 *placement in youth residential centers. The baseline shall be calculated on*  
38 *the cost of incarceration and placement in fiscal year 2015.*

39 ~~Annually, on July 1 or as soon thereafter as moneys are available~~  
40 *Upon receipt of a certification pursuant to subsection (b), the director of*  
41 *accounts and reports shall transfer the amount certified pursuant to*  
42 *subsection (b) from each account of the state general fund of a state*  
43 *agency that has been determined by the secretary of corrections to be*

1 actual or projected cost savings to the ~~Kansas juvenile justice~~  
2 ~~improvement fund evidence-based programs account of the state general~~  
3 ~~fund.~~

4 (d) Prioritization of ~~Kansas juvenile justice improvement fund~~  
5 ~~evidence-based programs account of the state general fund~~ moneys will be  
6 given to regions that demonstrate a high rate of out-of-home placement of  
7 juvenile offenders per capita that have few existing community-based  
8 alternatives.

9 (e) During fiscal years 2017 and 2018, the secretary of corrections  
10 shall transfer an amount not to exceed \$8,000,000 from appropriated  
11 department of corrections moneys from the state general fund or any  
12 available special revenue fund or funds that are budgeted for the purposes  
13 of facilitating the development and implementation of new community  
14 placements in conjunction with the reduction in out-of-home placements.

15 (f) The ~~Kansas juvenile justice improvement fund evidence-based~~  
16 ~~programs account of the state general fund~~ and any other moneys  
17 transferred pursuant to this section shall be used for the purposes set forth  
18 in this section and for no other governmental purposes. It is the intent of  
19 the legislature that the funds and the moneys deposited in this fund shall  
20 remain intact and inviolate for the purposes set forth in this section.

21 Sec. 15. K.S.A. 2016 Supp. 75-6704 is hereby amended to read as  
22 follows: 75-6704. (a) The director of the budget shall continuously  
23 monitor the status of the state general fund with regard to estimated and  
24 actual revenues and approved and actual expenditures and demand  
25 transfers. Periodically, the director of the budget shall estimate the amount  
26 of the unencumbered ending balance of moneys in the state general fund  
27 for the current fiscal year and the total amount of anticipated expenditures,  
28 demand transfers and encumbrances of moneys in the state general fund  
29 for the current fiscal year. If the amount of such unencumbered ending  
30 balance in the state general fund is less than \$100,000,000, the director of  
31 the budget shall certify to the governor the difference between  
32 \$100,000,000 and the amount of such unencumbered ending balance in the  
33 state general fund, after adjusting the estimates of the amounts of such  
34 demand transfers with regard to new estimates of revenues to the state  
35 general fund, where appropriate. When estimating the amount of the  
36 unencumbered ending balance of moneys in the state general fund for the  
37 purposes of such certification, the director of the budget shall not take into  
38 consideration the balance in the budget stabilization fund.

39 (b) Upon receipt of any such certification and subject to approval of  
40 the state finance council acting on this matter which is hereby declared to  
41 be a matter of legislative delegation and subject to the guidelines  
42 prescribed by K.S.A. 75-3711c(c), and amendments thereto, the governor  
43 may issue an executive order reducing, by applying a percentage reduction

1 determined by the governor in accordance with this section: (1) The  
2 amount authorized to be expended from each appropriation from the state  
3 general fund for the current fiscal year, other than any item of  
4 appropriation for debt service for payments pursuant to contractual bond  
5 obligations or any item of appropriation for employer contributions for the  
6 employers who are eligible employers as specified in K.S.A. 74-4931(1),  
7 (2) and (3), and amendments thereto, under the Kansas public employees  
8 retirement system pursuant to K.S.A. 74-4939, and amendments thereto, or  
9 for payments made from the ~~juvenile justice improvement fund~~ *evidence-*  
10 *based programs appropriation of the state general fund* for the  
11 development and implementation of evidence-based community programs  
12 and practices for juvenile offender and their families; and (2) the amount  
13 of each demand transfer from the state general fund for the current fiscal  
14 year, other than any demand transfer to the school district capital  
15 improvements fund for distribution to school districts pursuant to K.S.A.  
16 75-2319, and amendments thereto.

17 (c) The reduction imposed by an executive order issued under this  
18 section shall be determined by the governor and may be equal to or less  
19 than the amount certified under subsection (a). Except as otherwise  
20 specifically provided by this section, the percentage reduction applied  
21 under subsection (b) shall be the same for each item of appropriation and  
22 each demand transfer and shall be imposed equally on all such items of  
23 appropriation and demand transfers without exception. No such percentage  
24 reduction and no provisions of any such executive order under this section  
25 shall apply or be construed to reduce any item of appropriation for debt  
26 service for payments pursuant to contractual bond obligations or any item  
27 of appropriation for employer contributions for the employers who are  
28 eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and  
29 amendments thereto, under the Kansas public employees retirement  
30 system pursuant to K.S.A. 74-4939, and amendments thereto, or any  
31 demand transfer to the school district capital improvements fund for  
32 distribution to school districts pursuant to K.S.A. 75-2319, and  
33 amendments thereto. The provisions of such executive order shall be  
34 effective for all state agencies of the executive, legislative and judicial  
35 branches of state government.

36 (d) If the governor issues an executive order under this section, the  
37 director of accounts and reports shall not issue any warrant for the  
38 payment of moneys in the state general fund or make any demand transfer  
39 of moneys in the state general fund for any state agency unless such  
40 warrant or demand transfer is in accordance with such executive order and  
41 such warrant or demand transfer does not exceed the amount of money  
42 permitted to be expended or transferred from the state general fund.

43 (e) Nothing in this section shall be construed to: (1) Require the

1 governor to issue an executive order under this section upon receipt of any  
2 such certification by the director of the budget; or (2) restrict the number  
3 of times that the director of the budget may make a certification under this  
4 section or that the governor may issue an executive order under this  
5 section.

6 Sec. 16. K.S.A. 2015 Supp. 38-2304, as amended by section 30 of  
7 chapter 46 of the 2016 Session Laws of Kansas, 38-2342, as amended by  
8 section 36 of chapter 46 of the 2016 Session Laws of Kansas, 38-2361, as  
9 amended by section 42 of chapter 46 of the 2016 Session Laws of Kansas,  
10 38-2368, as amended by section 45 of chapter 46 of the 2016 Session  
11 Laws of Kansas, 38-2369, as amended by section 46 of chapter 46 of the  
12 2016 Session Laws of Kansas, 38-2375, as amended by section 51 of  
13 chapter 46 of the 2016 Session Laws of Kansas and K.S.A. 2016 Supp. 38-  
14 2330, 38-2346, 38-2391, 38-2392, 75-52,161, 75-52,162, 75-52,164 and  
15 75-6704 are hereby repealed.

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