

Juvenile Justice Oversight Committee Meeting (3/7/23) – HB 2021 Summary

Length of stay: HB 2021 doubles the maximum amount of time youth can be placed in detention and gives the courts discretion to extend probation beyond the maximum case length limit.	
Current Law	HB 2021
<p>Sets a maximum length of stay in detention at 45 days; this is cumulative and includes extensions.</p> <p><u>38-2361 Sentencing alternatives</u></p>	<p>Changes the maximum length of stay in detention, to 90 days; this is cumulative and includes extensions.</p> <p><i>Section 4. (g)(4)</i></p> <p><i>Bill version 2/17/23: Page 10, lines 16-22</i></p>
<p>Permits probation extension to allow youth time for program completion, but the decision to extend must be based on the results of a risk and needs assessment.</p> <p>Any extension may not exceed the overall case length limits. Overall case length limits range between 6 to 12 months depending on risk level and offense type.</p> <p><u>38-2391 Overall case length limits</u></p>	<p>Expands the courts discretion in extending probation to allow completion of an evidence-based program, specifically when a delay is caused by the youth.</p> <p>Would also allow the courts to extend probation beyond the overall case length limits.</p> <p><i>Section 5. (g)(2)</i></p> <p><i>Bill version 2/17/23: Page 13, lines 20-40</i></p>

Responses to probation violations: HB 2021 lengthens the amount to time youth can be placed in detention for a probation violation and adds contempt of court to the eligibility criteria for detaining youth.	
Current Law	HB 2021
<p>Allows for the use of detention for probation violation, excluding technical violations and contempt of court.</p> <p><u>38-2392 Community-based graduated responses for technical violations of probation, violations of conditional release and violations of a condition of sentence.</u></p>	<p>Would allow youth to be placed in detention for contempt of court.</p> <p><i>Section 6. (b) (4)</i></p> <p><i>Bill version 2/17/23: Page 15, lines 16-20</i></p>
<p>Limits the use of detention to no longer than 30 days, when used as a response to probation violations.</p> <p><u>38-2392 Community-based graduated responses for technical violations of probation, violations of conditional release and violations of a condition of sentence.</u></p>	<p>Extends the amount of time youth can remain in detention, when used as a response to a probation violation: 24 hours for the first violation, 48 hours for the second violation, and 15 days for the third or subsequent violation.</p> <p><i>Section 6. (b)(4) (A-C)</i></p> <p><i>Bill version 2/17/23: Page 15, lines 12-23</i></p>

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Services for CINC cases: HB 2021 expands eligibility of juvenile justice practices/programming to include youth identified as a child in need of care (CINC), without an allegation/adjudication of a juvenile offense.	
Current Law	HB 2021
Risk and needs assessments ¹ are administered in juvenile ² offense cases. 38-2203 Jurisdiction; age of child, presumptions; precedence of certain orders	Requires KDOC and DCF to develop a MOU (by 10/1/23) to coordinate the administration of a risk and needs assessment for CINC proceedings when youth’s behavior could lead to offending. <i>New Section 1(a) Bill version 2/17/23: Page 1, Lines 11-17,</i>
Evidence-based community programs, funded by the evidence-based programs account (EBPA), are for juvenile offender cases. 38-2203 Jurisdiction; age of child, presumptions; precedence of certain orders	Requires the MOU to include procedure for allowing CINC identified youth to participate in evidence-based community programs. <i>New Section 1(b) Bill version 2/17/23: Page 1, lines 18-21,</i>
KDOC, DCF and OJA are not required to collaborate in both CINC and/or juvenile offender cases. 38-2203 Jurisdiction; age of child, presumptions; precedence of certain orders 38-2304 Jurisdiction; presumption of age of juvenile; placement with department for children and families or juvenile justice authority; costs; precedence of certain orders.	Requires KDOC, DCF and OJA to collaborate in providing services for CINC cases. <i>Section 2(g)</i> <i>Bill version 2/17/23: Page 3, lines 2-8</i> Requires KDOC, DCF and OJA to collaborate in providing services for juvenile offender cases. <i>Section 3(h)</i> <i>Bill version 2/17/23: Page 4, lines 18-25</i>
EBPA funds community-based programs that serve juvenile offense cases, and youth experiencing mental health crisis and their families. 75-52,164. Evidence-based programs account of the state general fund	Expands eligibility for the evidence-based programs account (EBPA) to include programs that serve juvenile offender’s families, children who have received a risk and needs assessment, and any grant recipient of the EBPA. <i>Section 8 (a) (1) (A), (C), (D)</i> <i>Bill version 2/17/23: Page 16, line 45; page 17, 2-5</i>

¹ 38-2302 Definitions: "Risk and needs assessment" means a standardized instrument administered on juveniles to identify specific risk factors and needs shown to be statistically related to a juvenile's risk of reoffending and, when properly addressed, can reduce a juvenile's risk of reoffending.

² (n) "Juvenile" means a person to whom one or more of the following applies, the person: (1) Is 10 or more years of age but less than 18 years of age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated as a juvenile offender and continues to be subject to the jurisdiction of the court.

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Performance measurement and program fidelity: HB 2021 increases KDOC’s role in facilitating data sharing and overseeing programs funded by the EBPA.	
Current Law	HB 2021
<p>Tasks KDOC and the JJOC with exploring options for exchanging confidential data but does not require a formal system to facilitate the exchange.</p> <p><u>75-52,162 Confidential data exchange</u></p>	<p>HB 2021 requires KDOC to develop a system to facilitate the exchanging confidential data by 7/1/2025. KDOC is required to report to legislature on progress of development on or before 2024 session.</p> <p><i>Section 7. (a)(2)(A),(B)</i></p> <p><i>Bill version 2/17/23: Page 16, lines 12-27</i></p>
<p>Gives KDOC the discretion to establish a process for allocating funding and does not require any type of program evaluation.</p> <p><u>75-52,164. Evidence-based programs account of the state general fund</u></p>	<p>Requires KDOC to develop a grant program for allocating funding from the EBPA to eligible evidence-based community programs and requires KDOC to monitor funded programs to ensure fidelity.</p> <p><i>Section 8(3)(e), (f)</i></p> <p><i>Bill version 2/17/23: Page 17, lines 41-43; page 18, 1-12</i></p>