

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2382

By Committee on Appropriations

2-20

1 AN ACT concerning the department of corrections; relating to juveniles in
2 custody; placement; amending K.S.A. 2014 Supp. 38-2366 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 38-2366 is hereby amended to read as
7 follows: 38-2366. (a) When a juvenile offender who is:

8 (1) Under 16 years of age at the time of the sentencing, has been
9 prosecuted and convicted as an adult or under the extended jurisdiction
10 juvenile prosecution, and has been placed in the custody of the secretary of
11 the department of corrections, the secretary shall notify the sheriff having
12 the offender in custody to convey such juvenile offender at a time
13 designated by the ~~juvenile justice authority~~ *department of corrections* to a
14 juvenile correctional facility. The ~~commissioner~~ *secretary* shall notify the
15 court, in writing, of the initial placement of the offender in the specific
16 juvenile correctional facility as soon as the placement has been
17 accomplished.

18 (2) *At least 16 but less than 18 years of age at the time of sentencing,*
19 *has been prosecuted and convicted as an adult or under the extended*
20 *jurisdiction juvenile prosecution, and has been placed in the custody of the*
21 *secretary, the secretary shall notify the sheriff having the offender in*
22 *custody to convey such juvenile offender at a time designated by the*
23 *department of corrections to a juvenile correctional facility or adult*
24 *correctional institution. The secretary shall notify the court, in writing, of*
25 *the initial placement of the offender in the specific juvenile correctional*
26 *facility or adult correctional institution as soon as the placement has been*
27 *accomplished.*

28 The ~~commissioner~~ *secretary* shall not permit the juvenile offender to
29 remain detained in any jail for more than 72 hours, excluding Saturdays,
30 Sundays, legal holidays, and days on which the office of the clerk of the
31 court is not accessible, after the ~~commissioner~~ *secretary* has received the
32 written order of the court placing the offender in the custody of the
33 ~~commissioner~~ *secretary*. If such placement cannot be accomplished, the
34 offender may remain in jail for an additional period of time, not exceeding
35 10 days, which is specified by the ~~commissioner~~ *secretary* and approved
36 by the court.

1 (b) *Except as provided in subsection (a)*, a juvenile who has been
2 prosecuted and convicted as an adult shall not be eligible for admission to
3 a juvenile correctional facility. All other conditions of the offender's
4 sentence imposed under this code, including restitution orders, may remain
5 intact. ~~The provisions of this subsection shall not apply to an offender~~
6 ~~who: (1) Is under 16 years of age at the time of the sentencing; (2) has~~
7 ~~been prosecuted as an adult or under extended juvenile jurisdiction; and~~
8 ~~(3) has been placed in the custody of the secretary of corrections, requiring~~
9 ~~admission to a juvenile correctional facility pursuant to subsection (a).~~

10 Sec. 2. K.S.A. 2014 Supp. 38-2366 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the ~~statute book~~ **Kansas register**.