

Proposed

**State of Kansas
Department of Corrections**

Notice of Hearing on Proposed Administrative Regulation

The Kansas Department of Corrections will conduct a public hearing from 2:00 to 3:00 p.m. Tuesday, April 11, 2017, in the Large Conference Room at 714 S.W. Jackson Street, 3rd Floor, Topeka, Kansas to consider adopting a proposed permanent rule and regulation concerning community-based graduated responses for technical violations of probation, violations of conditional release, and violations of a condition of sentence by juvenile offenders.

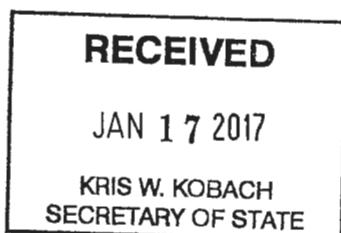
This 60-day notice of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed permanent regulation. All interested parties may submit written comments prior to the hearing to JL Norwood, Secretary, 714 S.W. Jackson Street, Suite 300, Topeka, KS 66603 or kdocpub@doc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns at (785) 296-3317, hope.burns@doc.ks.gov, or the Kansas Relay Center at (800) 766-3777. There is designated handicap accessible parking on Jackson Street in front of the building.

A copy of the full text of the regulations may be reviewed or obtained at 714 S.W. Jackson Street, Suite 300, Topeka, KS 66603, requested via E-mail at kdocpub@doc.ks.gov or from the Kansas Department of Corrections' Web site at <http://www.doc.ks.gov>. The following is a summary of the proposed regulation and economic impact statement:

123-17-101. Community-based graduated responses for technical violations of probation, violations of conditional release, and violations of a condition of sentence. The regulation provides for an array of uniform responses by juvenile community supervision officers to technical violations of probation, violations of conditional release, and violations of a condition of sentence by juvenile offenders. The regulation further provides a uniform array of incentives for use by juvenile community supervision officers to respond to and encourage positive and prosocial behaviors of juvenile offenders on probation or conditional release. Lastly, the regulation provides for a standardized violations level report form to document graduated responses taken by juvenile community supervision officers.

Economic Impact: This proposed permanent regulation requires no additional resources for the Kansas Department of Corrections and will have no economic impact upon offenders, other governmental agencies, private businesses, or other private individuals.



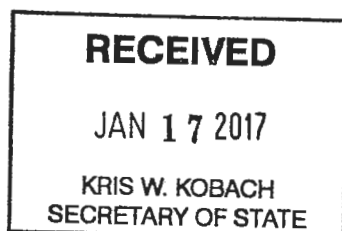
_____/S/_____
JL Norwood, Secretary

Article 17. – Community Juvenile Supervision

123-17-101. Community-based graduated responses for technical violations of probation, violations of conditional release, and violations of a condition of sentence. (a) For documenting and determining whether any technical violation of probation, violation of conditional release, or violation of a condition of sentence is a minor, moderate, or serious violation, each community supervision officer shall utilize the Kansas department of corrections' "violation levels report," dated January 11, 2017 and hereby adopted by reference.

(b) For determining graduated responses to technical violations of probation, violations of conditional release, and violations of a condition of sentence, each community supervision officer shall utilize the Kansas department of corrections' "response grid," dated January 11, 2017 and hereby adopted by reference.

(c) For determining graduated responses to positive and prosocial behaviors of juveniles on probation or conditional release, each community supervision officer shall utilize the Kansas department of corrections' "incentives grid," dated January 11, 2017 and hereby adopted by reference. (Authorized by and implementing K.S.A. 2016 Supp. 38-2392; effective, T-_____, _____; effective P- _____.)



ATTORNEY GENERAL

JAN 11 2017

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DEPT. OF ADMINISTRATION

**ECONOMIC IMPACT STATEMENT FOR THE KANSAS DEPARTMENT OF
CORRECTIONS' PROPOSED PERMANENT REGULATION K.A.R 123-17-101**

I. Summary of proposed regulation, including its purpose.

The proposed regulation provides for an array of uniform responses by juvenile community supervision officers to technical violations of probation, violations of conditional release, and violations of a condition of sentence by juvenile offenders. The regulation further provides a uniform array of incentives for use by juvenile community supervision officers to respond to and encourage positive and prosocial behaviors of juvenile offenders on probation or conditional release. Lastly, the regulation provides for a standardized violations level report form to document graduated responses taken by juvenile community supervision officers.

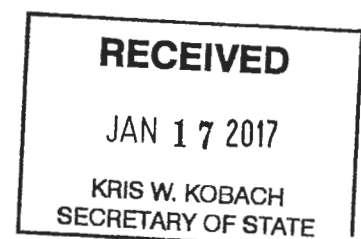
The purpose of the regulation, as well as the enabling statute, K.S.A. 2016 Supp. 38-2392, is to provide statewide uniform method of addressing technical violations short of requesting a court to find a violation of probation or conditional release.

II. Requirement for the proposed regulations, including whether or not they are mandated by federal law.

K.S.A. 2016 Supp. 38-2392 mandates that the secretary, in consultation with the Supreme Court, adopt rules and regulations regarding a statewide system of structured responses for technical violations of probation or conditional release.

This regulation is not mandated by federal law and, therefore, this regulation does not exceed any requirements of federal law.

III. Anticipated economic impact offenders, other governmental agencies and upon private business or individuals.



Proposed

This regulation will require programming for the CASIMS computer database to track and document activity under this regulation. This cost can be absorbed in the existing agency budget. It might be anticipated that the average daily offender population at the two juvenile correctional facilities or juveniles placed in the secretary's custody will decrease with fewer probation and conditional release revocations. However, because future juvenile court sentences cannot be predicted, it is impossible to determine the amount of the decrease in bed space and whether that decrease will be in sufficient numbers to realize a cost savings in reduced FTE's or other operational savings.

There is no anticipated or foreseen economic impact these regulations would have on other governmental agencies or units, small employers, or private citizens.

IV. Less costly or less intrusive methods for achieving the stated purpose of the regulations.

Because K.S.A. 2016 Supp. 38-2392 mandates that the agency adopt rules and regulations regarding a statewide system of structured responses for technical violations of probation or conditional release, there is no less costly or intrusive method(s) for achieving the stated purpose of this regulation.

