

Reinvestment

Summary

Who chooses how reinvestment money is spent?

The Secretary of Corrections is authorized to make the final decision on the allocation of reinvestment funds. In addition, the Oversight Committee (OC) are required to make recommendations on how these funds are spent as part of the Annual Report, due November 30th, each year beginning in 2017. Additionally, the juvenile corrections advisory boards (JCABs) are required to submit reports by October 1st each year that should include local needs and gaps in services; these reports may be used to guide recommendations by the OC.

Reinvestment should be used for: (From Section 4 of SB 367)

- A. Evidence-based programs and practices for:
 - a. Intake and assessment services
 - b. Immediate intervention
 - c. Probation
 - d. Conditional release
- B. Training on evidence-based programs (non-exhaustive list):
 - a. Cognitive-behavioral therapies
 - b. Family-centered therapies
 - c. Substance abuse
 - d. Sex offender therapy
 - e. Other services that address a juvenile's risks and needs
- C. Monitoring the plan for prioritization of funds to areas of high need (as described below)

The reinvestment fund (named the Evidence Based Programs Account of the State General Fund) shall be used for: (From Section 15 of SB 42)

- A. The development and implementation of evidence based community programs and practices for
 - a. Juvenile offenders and
 - b. Their families
- B. By community supervision offices, including, but not limited to,
 - a. Juvenile intake and assessment,
 - b. Court services and
 - c. Community corrections.
- C. Priority should be given to communities with high levels of out-of-home juvenile offenders per capita and where community-based alternatives are lacking

Bill Language

From SB 367, Section 4 – The creation of the Oversight Committee and its duties

(d) The committee shall perform the following duties:

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

(A) Evidence-based practices and programs in the community pursuant to K.S.A. 2015 Supp. 38-2302, and amendments thereto, for use by intake and assessment services, immediate intervention, probation and conditional release;

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

(C) monitor the plan from the department of corrections for the prioritization of funds pursuant to section 13(d), and amendments thereto;

From SB 42, Section 15 – the reinvestment fund

Sec. 15. K.S.A. 2016 Supp. 75-52,164 is hereby amended to read as follows: 75-52,164.

(a) There is hereby established in the state treasury the *evidence-based programs account of the state general fund*, which shall be administered by the House Substitute for department of corrections. All expenditures from the *evidence-based programs account of the state general fund* shall be for the development and implementation of evidence based community programs and practices for juvenile offenders and their families by community supervision offices, including, but not limited to, juvenile intake and assessment, court services and community corrections. All expenditures from the Kansas juvenile justice improvement fund evidence-based programs account of the state general fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or the secretary's designee.

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

(c) *Upon receipt of a certification pursuant to subsection (b)*, the director of accounts and reports shall transfer the amount certified pursuant to subsection (b) from each account of the state general fund of a state agency that has been determined by the secretary of corrections to be actual or projected cost savings to the ~~Kansas juvenile justice improvement fund~~ *evidence-based programs account of the state general fund*.

(d) Prioritization of *evidence-based programs account of the state general fund* moneys will be given to regions that demonstrate a high rate of out-of-home placement of juvenile offenders per capita that have few existing community-based alternatives.

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

(f) The *evidence-based programs account of the state general fund* and any other moneys transferred pursuant to this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section.

From SB 367, Section 66 – JCAB participation

Sec. 66. K.S.A. 2015 Supp. 75-7046 is hereby amended to read as follows: 75-7046. Juvenile corrections advisory boards established under the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, shall *adhere to the goals of the juvenile justice code as provided in K.S.A. 2015 Supp. 38-2301, and amendments thereto, coordinate with the Kansas juvenile justice oversight committee created in section 4, and amendments thereto,* actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year. The formal recommendation concerning the comprehensive plan shall include provisions to address racial, geographic and other biases that may exist in the juvenile justice system.