

Amendments to Supreme Court Rule 110B (new rule 1802)

The Kansas Supreme Court is accepting public comment on amendments to Supreme Court Rule 110B: Rules Relating to District Courts, which will be renumbered to become Rule 1802.

Rule 110B requires court services officers (CSOs) to administer the Level of Service Inventory-Revised (LSI-R), an assessment tool used to determine the risk and needs of an adult placed on probation.

Pursuant to K.S.A. 75-5291, the Kansas Sentencing Commission has selected two new risk and needs assessments to be used starting July 1, 2021—the Level of Service Case Management Inventory for males and the Women’s Risk Needs Assessment for females.

Additionally, amendments to the rule include language regarding risk and needs assessment for juvenile offenders.

Proposed changes are shown using strikethrough for deletion and underlining for new language.

Comment may be made by email to publiccomments@kscourts.org until 5 p.m. Friday, June 4, 2021. The subject line must read "Rule 1802."

Rule ~~110B~~ 1802

COURT SERVICES OFFICER ASSESSMENT OF OFFENDERS

- (a) ~~**Risk and Needs Assessment—Generally Purpose.** This rule sets forth the requirements for a cCourt sServices oOfficer in conducting a risk and needs assessment for~~ shall use a standardized assessment tool to identify and address the risk and needs of certain offenders. adult and juvenile offenders placed on probation Nothing in this rule is ~~intended to prevent~~ a court from ordering a risk and needs assessment in ~~other~~ circumstances.
- (b) **Adult Offender.**
- (1) ~~**Assessment Tool.** Court services officers shall use the standardized risk and needs assessment tool specified by the Kansas Sentencing Commission in accordance with K.S.A. 75-5291(a)(2)~~ (1) **Felony Conviction.**
- (A) **Assessment Requirement.** Except as provided in subsection (b)(4), a court services officer must conduct a risk and needs assessment of an adult offender who is convicted of a felony after June 30, 2014.
- (B) **Assessment Tool.** A court services officer must use the standardized risk and needs assessment tool specified by the Kansas Sentencing

Commission in accordance with K.S.A. 75-5291(a)(2) and any subsequent amendments.

(2) **Use; Exceptions Misdemeanor Conviction.**

~~(A) **Felony Conviction.** Except as described in paragraph (b)(3), all judicial branch court services officers must conduct a risk and needs assessment of an adult offender who is convicted of a felony on or after July 1, 2014.~~

~~(B) (A) **Assessment Requirement Misdemeanor Conviction.** Except as provided in subsection (b)(4), a Except as described in paragraph (b)(3); all judicial branch court services officers must conduct a risk and needs assessment of an adult offender who is convicted of a misdemeanor after December 31, 2014.~~

~~(B) **Assessment Tool.** A court services officer must use the standardized risk and needs assessment tool specified in subsection (b)(1)(B) or, unless prohibited by law, the screening version of the risk and needs assessment tool.~~

~~use the risk and needs assessment or, unless otherwise provided by law, the screening version of the risk and needs assessment — to conduct a risk and needs assessment of an adult offender who is convicted of a misdemeanor on or after the later of January 1, 2015.~~

(3) **Timing of Assessment.** Except as provided in subsection (b)(5), a court services officer must complete the assessment at the same time as the presentence investigation.

(4C) **Exceptions No Assessment Required.** A court services officer is not required to conduct a risk and needs assessment of an offender to use the risk and needs assessment to assess an offender assigned to court services for supervision if the following circumstances apply:

(Ai) the offender is assigned to court services for supervision and the offender is placed on probation for six months or less; or

(Bii) the crime severity level and offender criminal history establish a presumptive prison sentence the crime severity level and offender's criminal history establish a presumptive prison sentence under the Kansas Sentencing Guidelines Act under Kansas sentencing guidelines.

(5) **Postsentencing Assessment.** If the crime severity level and offender's criminal history establish a presumptive prison sentence under the Kansas Sentencing Guidelines Act but the court grants the offender unless probation is ordered in lieu of prison, a court services officer must conduct a risk and needs assessment as required under this rule.

~~(3) **Timing of Assessment.** A court services officer must complete the assessment required under subsection (b) at the same time as the presentence investigation.~~

(c) **Risk and Needs Assessment of Juvenile Offender.**

(1) Assessment Requirement. A court services officer must conduct a risk and needs assessment of a juvenile offender.

~~(24) **Assessment Tool.** A court services officer who supervises juvenile offenders shall must use the risk and needs assessment tool adopted by the Office of Judicial Administration and the Department of Corrections pursuant to K.S.A. 38-2360(b).~~

(3) **Timing of Assessment.** A court services officer must complete the assessment pursuant in accordance with ~~to~~ K.S.A. 38-2360 and any subsequent amendments.

(d) **Training and Educational Requirements; Record.**

(1) Training and Education. Subject to the policies and procedures adopted by the judicial administrator under subsection (e), a court services officer must successfully complete the following training:

(A) initial training on the use of the risk and needs assessment tools identified in subsection (b) and (c);

(B) six hours of continuing educational ~~training credit~~ annually after successfully completing initial trainings ~~have been successfully completed;~~ and

(C) refresher training before using ~~a~~ the risk and needs assessment tool to assess an offender if the court services officer has not completed an assessment using that tool within the last six months.

(2) **Waiver; Extension.** The judicial administrator may waive or extend the time for a court services officer to complete continuing education credits or refresher training due to hardship, disability, or other good cause.

(3) **Record.** The judicial administrator must maintain a record of training and education credits completed by ~~judicial branch~~ court services officers.

(e) **Policies and Procedures.** The judicial administrator is authorized to adopt policies and procedures consistent with this rule ~~for judicial branch employees who use the risk and needs assessments.~~

(1) **Training.** The policies and procedures will ~~must~~:

~~(A) specify designate initial and refresher training requirements and will~~

~~(B)~~—establish a procedure for review and approval of continuing education ~~credits for~~
~~training~~ programs.

(2) **Implementation.** The policies and procedures may include any provisions the judicial administrator deems necessary to implement this rule.