

IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED

July 9, 2021

Administrative Order

DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

2021-RL-105

Rules Relating to Supervision of Offenders and District Courts

The attached Supreme Court Rule 1802 is adopted and Supreme Court Rule 110B is repealed, effective the date of this order.

Dated this 9th day of July 2021.

FOR THE COURT



MARLA LUCKERT
Chief Justice

Rule 1802

COURT SERVICES OFFICER ASSESSMENT OF OFFENDERS

- (a) **Purpose.** This rule sets forth the requirements for a court services officer in conducting a risk and needs assessment for certain offenders. Nothing in this rule prevents a court from ordering a risk and needs assessment.
- (b) **Adult Offender.**
 - (1) **Felony Conviction.**
 - (A) **Assessment Requirement.** Except as provided in subsection (b)(3), 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.
 - (C) **Timing of Assessment.** Except as provided in subsection (b)(4), a court services officer must complete the assessment at the same time as the presentence investigation.
 - (2) **Misdemeanor Conviction.**
 - (A) **Assessment Requirement.** Except as provided in subsection (b)(3), a court services officer 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.
 - (C) **Timing of Assessment.** A court services officer must complete the assessment no later than 45 days after the court places the offender on probation.

- (3) **No Assessment Required.** A court services officer is not required to conduct a risk and needs assessment of an offender if the following circumstances apply:
 - (A) the court places the offender on probation and assigns the offender to court services for supervision for no longer than six months;
 - (B) the court places the offender on probation and assigns supervision in accordance with K.S.A. 75-5291(a)(2)(C) and any subsequent amendments; or
 - (C) the crime severity level and offender's criminal history establish a presumptive prison sentence under the Kansas Sentencing Guidelines Act, unless subsection (b)(4) applies.
 - (4) **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 probation and assigns the offender to court services for supervision, a court services officer must conduct a risk and needs assessment as required under this rule no later than 45 days after the court places the offender on probation.
- (c) **Juvenile Offender.**
- (1) **Assessment Requirement.** A court services officer must conduct a risk and needs assessment of a juvenile offender.
 - (2) **Assessment Tool.** A court services officer must use the risk and needs assessment tool adopted by the Office of Judicial Administration and the Department of Corrections.
 - (3) **Timing of Assessment.** A court services officer must complete the assessment in accordance with K.S.A. 38-2360 and any subsequent amendments.
- (d) **Training and Education 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 subsections (b) and (c);

- (B) six hours of continuing education credit annually after successfully completing initial training; and
 - (C) refresher training before using a 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 court services officers.
- (e) **Policies and Procedures.** The judicial administrator is authorized to adopt policies and procedures consistent with this rule.
 - (1) **Training.** The policies and procedures will designate initial and refresher training and will establish a procedure for review and approval of continuing education programs.
 - (2) **Implementation.** The policies and procedures may include any provisions the judicial administrator deems necessary to implement this rule.