

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile Case No. _____
Year of Birth _____ A male female

**MOTION REQUESTING DESIGNATION AS
EXTENDED JURISDICTION JUVENILE PROSECUTION**

Pursuant to K.S.A. 38-2347

Comes now the State of Kansas through the District/County Attorney or designee and moves the Court for an order designating the proceedings herein as an extended juvenile jurisdiction prosecution. The following is offered in support of the motion:

The juvenile is charged with an offense which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.

The offense charged in the complaint, the characteristics of the juvenile and the circumstances of the alleged offense which justify designation as an extended jurisdiction juvenile prosecution are: *(Enumerate bases for request.)*

Wherefore the State requests the Court set the matter for hearing and thereafter designate the proceedings as an extended jurisdiction juvenile prosecution.

County/District Attorney or designee
Name
Supreme Court Number
Address
Telephone Number
[Fax Number]
[E-mail Address]

Authority

K.S.A. 38-2347.

Notes on Use

K.S.A. 38-2347(a)(2) provides that the prosecutor may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution. The motion may be made at any time after the commencement of proceedings, but prior to the beginning of an evidentiary hearing. The burden of proof is on the prosecutor to prove the juvenile should be designated as an extended jurisdiction juvenile. If the court finds after the hearing by a preponderance of the evidence that the proceedings should be designated as an extended jurisdiction juvenile prosecution, then the court may make that designation. K.S.A. 38-2347(e)(2). Once the case is designated as an extended jurisdiction juvenile prosecution all of the rights of a defendant pursuant to the Kansas code of criminal procedure, the right to trial by jury, and the right to effective assistance of counsel attach. The court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in its jurisdiction. K.S.A. 38-2347(e)(4).

Comments

The failure of the district court to adopt local rules for extended juvenile proceedings is not reversible error absent a showing of prejudice by the absence of such rules. *In re S.M.D.*, 26 Kan.App.2d 165, 980 P.2d 1028 (1999).