



Kansas

PO Box 917
Mission, KS 66201

(913) 490-4100

aclukansas.org

HB 2021 Opponent Testimony – Written Only

Aileen Berquist, Policy Director
American Civil Liberties Union of Kansas

Senate Judiciary Committee
Wednesday, March 8, 2023 – 346-S

Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the American Civil Liberties Union of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in our state. Thank you for the opportunity to present testimony today.

The ACLU of Kansas is opposed to HB 2021 due to provisions that undermine protections currently in place to limit extended incarceration of children in the juvenile system. This bill could double the amount of time a child spends behind bars, remove case length protections, and would allow detention to be used as punishment for technical probation violations. Because of these reasons, we hope this bill will be reworked before it is considered for a vote out of committee.

Secure confinement is not a positive intervention for a child—it has been found to not only be highly damaging, but also ineffective as a deterrent for juveniles.¹ Arbitrarily doubling the time a child could spend behind bars is unnecessarily punitive and does not take into account evidence-based alternatives to incarceration. Extending incarceration because of a technical violation of probation is not only ineffective, but also runs counter to current best practices and recommendations.²

In 2016 with the passage of SB 367, this legislature showed that it is supportive of policy change that encourages the reintegration and future success of juvenile offenders—not punishment without purpose. In the spirit of the stated intent of the juvenile justice system,³ and the admirable work that was done by so many people, some of them in this room, to reduce detention and reinvest in evidence-based alternatives through SB 367, we ask that this committee remove the provisions in this bill that are outlined above.

¹ Wallace, L. “Illicit juvenile weapon possession: The role of serious sanction in future behavior.” 2017. <https://europepmc.org/article/PMC/5793880>

² National Council of Juvenile and Family Court Judges. “Resolution Regarding Juvenile Probation and Adolescent Development.” 2017.

³ Kansas Statutes Chapter 38. Minors § 38-2301. Citation; goals of the code; policy development