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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice
From: Office of Revisor of Statutes
Date: February 13, 2025
Subject: Bill Brief for HB 2329 (As Introduced)

House Bill 2329 provides for increased placement of juvenile offenders in non-foster home beds in youth residential facilities, requires the secretary of corrections to pay for the costs associated with such placements, and authorizes the secretary to make expenditures from the evidence-based programs account of the state general fund moneys to contract for such beds in youth residential facilities.

Section 1 amends K.S.A. 38-2361, the revised Kansas juvenile justice code (code) statute that provides sentencing alternatives for juvenile offenders. Current law in subsection (a)(10) provides that upon adjudication as a juvenile offender, the court may place the juvenile in the custody of the secretary of corrections as provided in K.S.A. 38-2365. That statute states that the court shall have no power to direct a specific placement by the secretary, but may make recommendations to the secretary. Subsection (a)(10) expired on January 1, 2018, but the bill removes that expiration clause and provides that the court may place a juvenile in the custody of the secretary of corrections as provided in K.S.A. 38-2365 and order the secretary to place the juvenile in a youth residential facility. The bill also adds a new subsection (l) to provide that if the court orders a short-term alternative placement of a juvenile pursuant to subsection (k), the secretary shall be responsible for the costs associated with all aspects of such placement and the secretary shall contract with emergency shelters and therapeutic foster homes in order to facilitate the placement of juvenile offenders pursuant to subsection (k).

Section 2 amends K.S.A. 38-2365, the code statute referenced above in K.S.A. 38-2361(a)(10). The bill amends this statute to provide that the court shall have the power to direct a specific placement by the secretary under K.S.A. 38-2361(a)(10).

Section 3 amends K.S.A. 38-2369, the code statute that provides requirements for a juvenile offender to be placed in a juvenile correctional facility. Current law in subsection (e) provides a rebuttable presumption that all offenders in the chronic offender category and offenders at least 10 years of age but less than 14 years of age in the serious offender II or III category shall be placed in the custody of the secretary for placement in a youth residential facility in lieu of placement in the juvenile correctional facility. The bill adds that the secretary shall ensure timely placement of such offender in a youth residential facility and shall be responsible for the costs associated with all aspects of such placement in accordance with K.S.A. 38-2399.

Section 4 amends K.S.A. 38-2399, the code statute relating to contracts for youth residential facility beds. Current law in subsection (a) provides that the secretary of corrections may contract for use of not more than 50 non-foster home beds in youth residential facilities for placement of certain juvenile offenders. The bill provides that the secretary shall contract for use of not less than 40 non-foster home beds in youth residential facilities for placement of certain juvenile offenders. The bill also adds to the list of requirements for the secretary to follow when contracting for services to include that the secretary shall determine regional allocation of non-foster home beds based on the needs of the region utilizing available data on juvenile case filings and be responsible for the costs associated with all aspects of placement of juvenile offenders described in subsection (a).

Section 5 amends K.S.A. 75-52,164, the statute relating to the evidence-based programs account of the state general fund. In addition to the current authorized expenditures from the account, the bill provides that, subject to provisions of appropriation acts, the secretary of corrections shall make expenditures in an amount not to exceed $10,000,000 in any fiscal year, to contract for non-foster home beds in youth residential facilities for placement of juvenile offenders as required in K.S.A. 38-2399.

The bill would take effect from and after publication in the statute book, July 1, 2025.