OFFICE OF THE DISTRICT ATTORNEY
EIGHTEENTH JUDICIAL DISTRICT

MARC BENNETT
District Attorney

AARON BREITENBACH
Deputy District Attorney

February 6, 2025

Testimony Regarding HB 2329
Submitted by Marc Bennett, District Attorney
Eighteenth Judicial District

Honorable Chairman Lewis and Members of the House Committee on Corrections and Juvenile Justice, thank you for the opportunity to offer support for HB 2329.

This bill is intended to afford courts an option for disposition in juvenile offender cases that was removed from Kansas law in 2016 with the passage of SB 367. That legislative effort was specifically designed to get as many kids as possible out of the juvenile offender proceedings and to eliminate group homes as viable intermediate sanctions. The legislation had the intended effect and removed the intermediate sanction of group home from the options available to trial court judges. In 2024, some 8 years after the passage of SB 367, juvenile prosecutions can end in probation, incarceration or a motion to send the offender to the adult court. HB 2329 seeks to give Kansas judges another option.

First, at page 2, lines 21-23, Section One changes K.S.A. 38-2361(a)(10) to allow judges to,

> "Place the juvenile in the custody of the secretary of corrections as provided in K.S.A. 38-2365, and amendments thereto, *and order the secretary to place the juvenile in a youth residential facility."*

Second, at page 8, lines 36-40, Section One changes K.S.A. 38-2361(a)(l) to clarify the payment and responsibility for facilitating short term alternative placement.

> *(l) 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. The secretary shall contract with emergency shelters and therapeutic foster homes in order to facilitate the placement of juvenile offenders pursuant to subsection (k).*

Third, at page 16, lines Section 4, lines 9 through 27, changes K.S.A. 38-2399 to require (shall) the secretary of corrections to contract "for the use of not less *than 50* non-foster home beds in youth residential facilities for placement of juvenile offenders.

And further, the new language at lines 23-27 would require the secretary to,

> *(4) determine regional allocation of non-foster home beds based on the needs of the region utilizing available data on juvenile case filings; and*
> *(5) be responsible for the costs associated with all aspects of placement of juvenile offenders described in subsection (a).*

Finally, at page 17, lines 6-11, Sec. 5 would change K.S.A. 75-52, 164(a)(4) to read,

> *(4) Subject to provisions of appropriation acts, the secretary of corrections shall make expenditures from the evidence-based programs account of the state general fund moneys, 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, and amendments thereto.*

SB 367 wanted community-based programs to send juvenile offenders rather than corrections/ incarceration. This bill gives judges and the department of corrections the direction and authority needed to meet the needs of juvenile offenders that the system currently cannot address.

Thank you for taking the concerns of the KCDAA into consideration.

Respectfully submitted,

Marc Bennett
District Attorney
Eighteenth Judicial District