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

Honorable Chairwoman Warren and Members of the Senate Judiciary Committee, thank you for the opportunity to offer support for HB 2329.

This bill is intended to provide Judges across the state additional options to address juvenile offender cases. When SB 367 was passed in 2016, it was specifically designed to get as many kids as possible out of the juvenile offender proceedings and to eliminate expensive group homes as viable intermediate sanctions. The legislation had the intended effect. Kids who were once sent to group homes ended up on short term probation or in foster care. This bill seeks to expand the available options to judges in juvenile offender cases beyond the three options currently available: (1) probation, (2) incarceration or (3) a motion to send the offender to the adult court.

First, at page 2, lines 31-32, 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 9, lines 5-9, 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 14 to 18 provides a rebuttable presumption that “chronic” offenders age 10-14 charged with serious offenses in a youth residential facility. While the age span in this provision deserves additional discussion – the language of this

provision is a recognition that we need to address kids at younger ages, before they go off the rails and before they end up in adult penal institutions.

*Fourth, at pages 16-18, creates a New Sec. 4. suggests a litany of changes, many of which are intended to add common sense options for judges, for instance: (g)(3) eliminates probation limits for offenders who commit off grid crimes and serious sex offenses*

*Fifth, at page 18, lines 38-43, changes K.S.A. 38-2399 to require (shall) the secretary of corrections to contract “for the use of not less than 35 nor more than 45 non-foster home beds in youth residential facilities . . .” for placement of juvenile offenders. This would help get kids who shouldn’t be in foster care from overwhelming that system, by giving judges another option.*

And further, the new language on page 19, at lines 10-14 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).*

Sixth, a new

Seventh, at page 23, lines 19-24, Sec. 7 would change K.S.A. 75-52, 164 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.*

The intent of SB 367 was to send juvenile offenders to community based programs 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.

My basis for supporting this amended is not to undo SB 367. But since that SB passed 10 years ago, we have seen a surge in juvenile gun violence. The number of juveniles charged with a crime committed with a firearm in Sedgwick County since 2014, by year is as follows:

2014 – 15	2016 – 13	2018 – 86	2020 – 72	2022 - 75	2024 - 83
2015 – 14	2017 – 48	2019 – 83	2021 – 67	2023 – 105	2025 - 79

Similarly, using the KBI's homicide statistics, the number of all homicides in the largest jurisdictions in Kansas from 2016 thru 2024 is set out below – with a specific column for Juveniles booked for homicide charges in Sedgwick County.

	<u>Johnson</u>	<u>Reno</u>	<u>Shawnee</u>	<u>SG</u>	<u>JV #'s for SG only</u>	<u>WYCO</u>
2016	6	1	18	36	11	46
2017	8	2	27	38	6	43
2018	9	1	14	45	4	31
2019	11	1	14	37	1	35
2020	9	0	20	61	1	58
2021	4	3	18	50	11	49
2022	18	0	15	37	4	41
2023	14	2	34	42	8	24
2024	10	1	24	37	10	21
<b>Totals:</b>	<b>89</b>	<b>11</b>	<b>184</b>	<b>383</b>	<b>56</b>	<b>348</b>

If each of those 56 juveniles booked on homicide charges in Wichita were sent to adult court and served 20 years sentences, the cost to the state of Kansas over the next 20 years (assuming roughly \$30,000 in annual incarceration costs) would be over \$33 million.

We need to give judges more options to steer these kids away from long term incarceration.

Thank you for taking the concerns of Kansas Prosecutors into consideration.

Respectfully submitted,

Marc Bennett  
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Eighteenth Judicial District