

**Senate Judiciary Committee
Hearing on House Bill 2329
Megan Milner, Deputy Secretary
Kansas Department of Corrections
January 22, 2026**

Thank you for the opportunity to provide testimony in opposition to House Bill 2329 (HB2329).

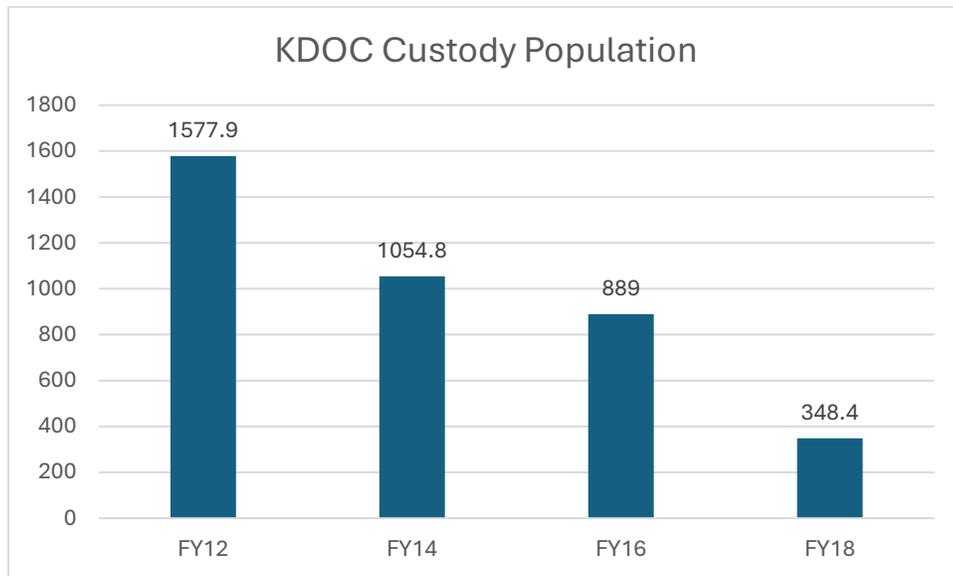
Since the introduction of HB 2329 in the 2025 session, KDOC has met with multiple stakeholders and community partners to better understand the needs communities have around challenging youth behaviors. We understand there is a gap in options available to youth and families between a behavior and detention, and these conversations have been focused on finding viable solutions for these situations. We see and hear the concerns regarding crossover youth and youth exhibiting violent or aggressive behaviors such as firearm use or possession. We share those concerns.

Over the past year, there have been multiple conversations about crisis stabilization centers for juveniles, a model that recognizes the needs of youth and sets the priority of addressing challenging behavior, mental health, and substance abuse. KDOC is very supportive of crisis stabilization centers, or a similar resource, as a prevention and early intervention model. While this is a new model in our state, KDOC believes youth crisis stabilization centers are a possible solution for the challenges we're experiencing in the child welfare and the juvenile justice system. The earlier we can intervene with youth and help connect youth and families with services, the more successful we will be in keeping kids out of any system, whether it's juvenile justice or child welfare.

There are certain aspects of the proposed language that influence KDOC's opposition to the bill.

Regarding the proposed language in HB2329:

- The modifications to K.S.A. 38-2361, as proposed, would authorize courts to sentence any youth adjudicated as a juvenile offender to the custody of the Secretary of Corrections for placement in a youth residential facility. It is important to note that this could include first time offenders, as well as misdemeanor offenders.
- The language of the proposed bill does not provide parameters for who would be eligible for out-of-home placements. For instance, research states that out-of-home placements should be reserved for those youth who are highest risk/need and who pose a public safety risk.
- The language in the proposed bill re-institutes the Case Management level of supervision. This level of supervision was removed as a sentencing option in 2018. A youth sentenced to case management supervision is one who is placed in the custody of the Secretary of Corrections but not sentenced to the correctional facility. Instead, they are placed in a residential center. If case management is reestablished, it is reasonable to project that this population of KDOC custody youth would greatly increase, as the data below demonstrates.
 - In FY12, the average KDOC custody population in Kansas was 1,577.9 youth each month
 - In FY14, the average KDOC custody population in Kansas was 1054.8 youth each month
 - In FY16, the average dropped to 889.0 and decreased even further in FY18 to 348.4.



Possible Alternatives:

- No change to current statute, which authorizes placement options for:
 - Youth with “eligible” sex offenses
 - Youth found to have used a firearm in commission of an offense
 - Youth sentenced under K.S.A. 38-2369(e) as an alternative to the juvenile correctional facility
- If the bill proceeds with the current language regarding KDOC custody and residential centers, KDOC recommends additional parameters for residential centers, such as:
 - Brief, time-limited (ex: 7 days)
 - Reserved for high-risk youth when less restrictive interventions have not been effective
 - Secure, Prescriptive, Therapeutic
 - Consideration of established best practice

HB2329 would additionally require the mandatory detention for any youth in possession of a firearm, as well as eligibility for the juvenile correctional facility for possession.

It is important to state here that any possession of a firearm is serious and must receive a response from the justice system, but the right response from the system is important.

According to the Center for Gun Violence, youth who carry firearms vary widely in their risks to commit gun violence. Some youth carry firearms but do not use weapons to engage in crime or threaten others. Some carry “for defensive purposes, because it’s common among their peers, or because they feel an extra need for self-protection due to experiences of trauma”. Then there is a group of youth engaged in criminal activity and are at extreme risk for gun violence.

The proposed language in HB2329 does not consider the reasons why a youth might have possession of a firearm, and this consideration is important when trying to address and respond to this behavior. The proposed language would require mandatory detention for a youth regardless of what the reason is and would allow them to be sentenced to the juvenile correctional facility for possession alone.

Kansas Statute (K.S.A. 75-7023) currently allows local jurisdictions to decide when an override of the detention screening tool is appropriate for a youth or a particular offense, and many districts have local agreements already in place to override the detention screening tool under certain circumstances.

FY2025 data from juvenile intake and assessment show that 85% of youth who presented at juvenile intake with a firearms related offense were detained in a juvenile detention. For the remainder of the youth,

- 10% were given a notice to appear (NTA) by law enforcement, which did not result in an arrest, but a return to the youth's current living arrangement
- Only 5% of firearms related offense were taken to juvenile intake and not detained

The proposed language would remove discretion for judges and intake staff from making the best decision for youth who may have mitigating circumstances (such as age, mental health, developmental disorders, etc.) that would not require detention.

According to an article published by the Sentencing Project, "when courts use objective screening tools to guide detention decisions, gun possession should be considered a significant risk factor, but it should not be weighted so heavily that detention becomes a forgone conclusion whenever a youth is found in possession of a firearm".

The American Probation and Parole Association (APPA) recently released 10 Core Principles of Juvenile Probation, one of which is to minimize confinement and removal from home, stating:

"Probation should seek to minimize the use of confinement and should remove young people from their homes only when they pose an immediate risk to the health and safety of others, and then only for the shortest period possible. Research shows that removing youth from their homes and placing them in facilities causes lasting damage, including heightening dropout rates, reducing college enrollment as well as future employment and income, harming physical and mental health, and greatly increasing future involvement with the justice system."

Possible Alternatives:

- No change to current statute that already allows local communities to make decisions about overrides on the detention screening tool to detain youth in juvenile detention centers upon presentation to juvenile intake and assessment
- Develop and fund community-based programs that target youth in possession of a firearm, such as diversion programs, specialty courts, and specialized cognitive-behavioral programs that target gun possession offenses¹

Expanding the use of detention will also have an impact on local communities. Juvenile detention centers charge counties a per diem rate, typically \$120-\$150 per day, to detain youth at the facility. Assessing this fiscal impact on county budgets will be crucial.

Finally, it is important to recognize the fiscal impact this bill may have on the Evidence Based Programs Fund (EBPF). As written, this bill allows \$10 million from the EBPF to be used towards out-of-home placements. The EBPF currently funds important, evidence-based programs such as Functional Family Therapy, behavioral health services, cognitive behavioral programs, The Stepping Up Initiative, and Youth Defense work, as well as the many prevention and intervention programs funded in local communities.

Actual expenditures from the EBPF for FY23-FY26 have averaged about \$14 million each year. Over the last few years, the EBPF has seen lapses in funding and additions of statutorily required funding. Should

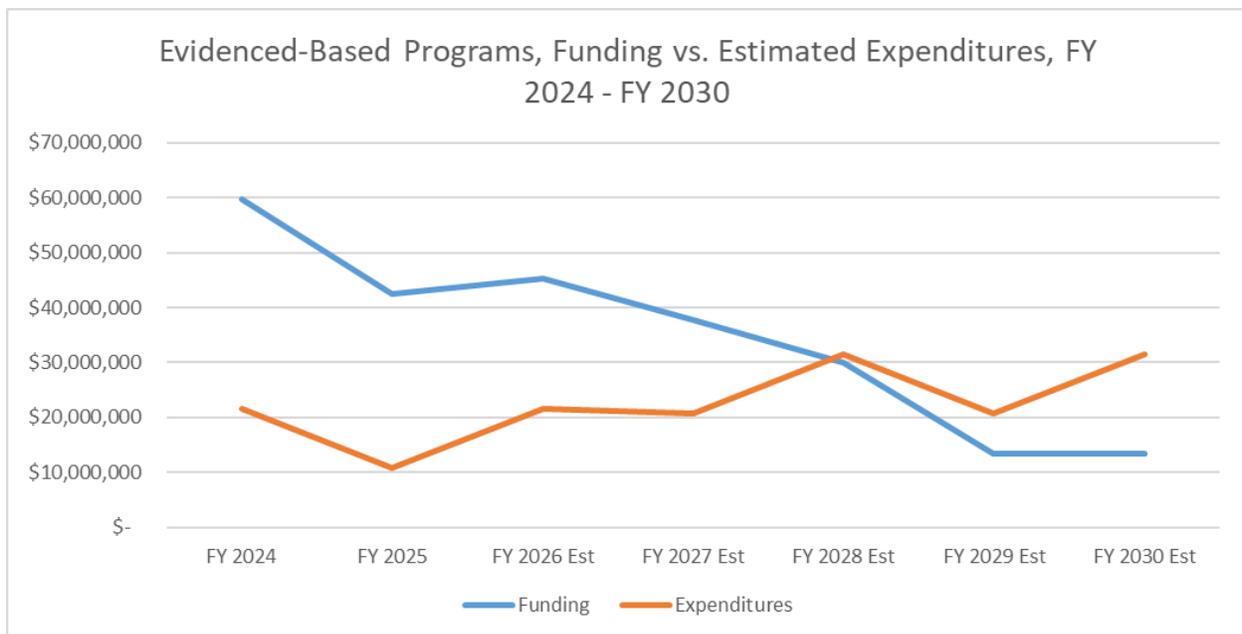
¹ [From Punishment to Prevention: A Better Approach to Addressing Youth Gun Possession – The Sentencing Project](#)

HB2329 pass in its current form, directing \$10 million to be used for out-of-home placements, this statutorily required funding would total close to \$20 million per year.

The annual appropriation into the fund is approximately \$13.5 million.

KDOC recognizes the surplus in this fund since it was established in 2016 and we have worked diligently and collaboratively with the Juvenile Justice Oversight Committee (JJOC) to increase funding opportunities to communities through grants, as well as statewide contracts like Functional Family Therapy, The Stepping Up Initiative, sex offender evaluations and treatment, and more. For reference, here is a link to a KDOC Dashboard of programs funded through the EBPF in Kansas communities: <https://idashboards.doc.ks.gov/idashboards/view?guestuser=guest1&dashID=1394>. A list of EBPF funded programs is also attached to this testimony.

Even if there are no lapses in funding during this current fiscal year budget cycle, the EBPF is projected to have a negative balance of \$6 million in FY28 based on expected spending, as shown in the graph below. “Actual” spending by grantees may be less than expected and may extend this by another year. If there are lapses from the EBPF this year, combined with the \$10 million directed towards out-of-home placements from this bill, the JJOC will not be able to fund any programs next year outside of the ones we are statutorily directed to fund (previously mentioned totaling about \$20 million).



While the impact would not be felt in this fiscal year, if additional lapses of funding are implemented, difficult decisions will soon need to be made about which evidence-based programs continue to be funded and which programs must be cut going forward.

For the reasons stated here, the Kansas Department of Corrections is opposed to House Bill 2329 in its current form.