



January 22, 2026

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Verbal Testimony in Opposition to HB 2329
Senate Committee on Judiciary

Chair Warren, Vice Chair Titus, Ranking Member Corson, and Members of the Senate Committee on Judiciary,

Thank you for the opportunity to provide this testimony. I am writing in opposition of House Bill 2329, which would expand the use of secure residential placements for juvenile offenders, increase the cumulative detention limit for youth, and authorize harsher criminal penalties for juveniles who use a firearm in the commission of an offense or who are repeat offenders. In addition to directing increased placement of juvenile offenders in non-foster home beds in youth residential facilities and requiring the Secretary of Corrections to pay for those placements, the bill would also broaden detention authority and punitive responses at a time when evidence shows that extended confinement and escalated penalties often cause more harm than good.

Kansas Appleseed has a long history of unwavering commitment to advocating for the rights and well-being of children, including ending punitive youth justice practices in the state. Despite the revised youth justice code's evidence-based focus on limiting detention and promoting community-based interventions, HB 2329 would move Kansas away from those principles by raising detention limits and layering on increased punishment for firearm involvement and so-called repeat offending—changes that risk further disrupting youth development, weakening public safety outcomes, and drawing funds away from programs that have been shown to reduce recidivism and support rehabilitative success.¹

The revised Kansas Juvenile Justice Code establishes that the primary goals of the system are promoting public safety and improving the ability of youth to live productively and responsibly in the community. Increasing reliance on non-foster home residential placements runs directly counter to those goals. Prior to reform, Kansas relied heavily on detention and out-of-home placements, leading the state to have the sixth-highest youth detention rate in the nation.² That approach did not improve public safety and did not support youth rehabilitation.

¹ Kansas Department of Corrections "Cost Study of Youth Residential Centers for Juvenile Offenders – Pursuant to Senate Substitute for House Bill 2588" January 2015; Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015; US Department of Justice "Kansas State DMC Assessment" 2013; National Research Council "Reforming Juvenile Justice: A Developmental Approach" 2013; University of Pittsburgh "Pathways to desistance: A study of serious adolescent offenders as they transition to adulthood and out of crime; Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders" 2009.

² Office of Juvenile Justice and Delinquency Prevention "Statistical Briefing Book" 2015.

Research consistently shows that longer periods of detention and confinement do not reduce recidivism.³ In fact, incarceration beyond short periods increases the likelihood that a young person will reoffend.⁴ This is why the revised youth justice code intentionally sets limits on case length, probation length, and detention time—to prevent children from languishing in facilities while their cases unfold and to ensure the system acts swiftly and appropriately. Any policy that expands the use of residential placements without clear safeguards risks recreating the very harms those limits were designed to prevent.

The harms of confinement are compounded by the developmental realities of adolescence. Children's brains are still developing, particularly in areas related to impulse control, risk assessment, and emotional regulation.⁵ When youth are placed in secure settings for extended periods, they lose access to school, family support, and pro-social community connections, all of which are critical to healthy development. These losses can have lifelong consequences and undermine the rehabilitative intent of the juvenile justice system.

Further, increased reliance on secure placements often results in harsher responses to low-level conduct and technical noncompliance rather than meaningful accountability.⁶ Prior to reform, a significant number of youth were detained not for new or violent offenses, but for technical violations, including missing appointments, violating curfews, or failing to comply with program requirements.⁷ Expanding placement options without addressing this history risks once again punishing youth for behavior that reflects immaturity, instability, or unmet needs rather than public safety threats.

This concern is particularly relevant when considering how the system responds to allegations involving firearm possession. Kansas law already provides judges with discretion and override authority to consider the presence of a firearm when determining detention or placement decisions.⁸ Imposing broader or more automatic punitive responses, particularly through longer or more frequent secure placements, risks substituting individualized judicial assessment with blunt policy mandates. If there are concerns about how firearm-related cases are handled, those concerns should be addressed through guidance, training, and oversight—not through expanded confinement that applies regardless of individual risk or circumstance.

³ Pew Charitable Trusts, Presentation to Kansas inter-branch Juvenile Justice Workgroup, August 2015; Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015.; US Department of Justice "Kansas State DMC Assessment" 2013; National Research Council "Reforming Juvenile Justice: A Developmental Approach" 2013; University of Pittsburgh "Pathways to desistance: A study of serious adolescent offenders as they transition to adulthood and out of crime; Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders" 2009.

⁴ Pew Charitable Trusts, Presentation to Kansas inter-branch Juvenile Justice Workgroup, August 2015; Council of State Governments "Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations" March 2015.

⁵ *The Impact of Adolescent Developmental & Brain Research on Juvenile Justice Reform*, Schubert Center for Child Studies, Case Western Reserve University, March 2024.
<https://case.edu/schubertcenter/sites/default/files/2024-03/The%20Impact%20of%20Adolescent%20Developmental%20Final%20for%20print%203.13.24.pdf>

⁶ *System Reforms to Reduce Youth Incarceration: Why We Must Explore Every Option Before Removing Any Young Person from Home*, The Sentencing Project, November 9, 2023.
<https://www.sentencingproject.org/reports/system-reforms-to-reduce-youth-incarceration-why-we-must-explore-every-option-before-removing-any-young-person-from-home/>

⁷ This calculation excludes Child In Need of Care (CINC) intake cases. When those cases are included in the total, misdemeanors are still the majority of youth intakes at 58%. KDOC. Juvenile Justice Oversight Committee Quarterly Data Presentation—Reasons for Intake FY 2024 & 2025
<https://www.doc.ks.gov/juvenile-services/committee/documentation/july-18th-2025/kdoc-quarterly-data>

⁸ K.S.A. § 38-2331; K.S.A. § 38-2361(13)

As with detention length, research shows that the trauma of confinement is itself a significant predictor of future justice involvement.⁹ Secure placements increase exposure to violence, isolation, and mental health crises, and are associated with higher rates of suicidal ideation, poorer economic and educational outcomes, and increased recidivism.¹⁰ These risks are magnified when children are placed for longer periods or for conduct that does not pose a clear and immediate threat to public safety.¹¹

HB 2329 would also undermine the fiscal sustainability of the youth justice system. Secure placements cost the state approximately \$134,000 per year per youth in correctional settings compared to a fraction of that for probation and evidence-based community programs.¹² The 2016 reforms intentionally reinvested savings from reduced incarceration into prevention, treatment, and diversion. Drawing from those funds to pay for expanded residential placements threatens the long-term viability of programs that are demonstrably more effective.

Since the passage of SB 367, Kansas has seen substantial improvements: fewer youth in custody, lower recidivism, and greater reliance on community-based solutions.¹³ These outcomes have been achieved despite ongoing challenges, including limited mental health resources and underinvestment in promised services. HB 2329 risks reversing this progress by returning Kansas to a model that we know is more costly, more harmful, and less effective.

It is critical to remember who these policies affect. The majority of youth involved in the justice system are charged with misdemeanors, not serious or violent offenses. They are typically children between the ages of 14 and 17 who are still growing, learning, and changing.¹⁴ Extended or unnecessary placement in secure facilities deprives them of critical developmental experiences and increases the likelihood that system involvement becomes a permanent feature of their lives.

⁹ National Research Council “Reforming Juvenile Justice: A Developmental Approach” 2013; University of Pittsburgh “Pathways to desistance: A study of serious adolescent offenders as they transition to adulthood and out of crime; Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders” 2009.

¹⁰ E. Ackerman, J. Magram, T.D. Kennedy, *Systematic review: Impact of juvenile incarceration*, Child Protection and Practice, Volume 3, 2024, 100083, ISSN 2950-1938, <https://doi.org/10.1016/j.chipro.2024.100083>.

¹¹ Pew Charitable Trusts, Presentation to Kansas inter-branch Juvenile Justice Workgroup, August 2015; Council of State Governments “Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas Department of Corrections: Analyses and Recommendations” March 2015.; US Department of Justice “Kansas State DMC Assessment” 2013; National Research Council “Reforming Juvenile Justice: A Developmental Approach” 2013; University of Pittsburgh “Pathways to desistance: A study of serious adolescent offenders as they transition to adulthood and out of crime; Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders” 2009.

¹² Urban Institute, 2020, “Data Snapshot of Youth Incarceration in Kansas,” <https://www.urban.org/sites/default/files/publication/102130/data-snapshot-of-youth-incarceration-in-kansas-2020-update.pdf>

¹³ Kansas Juvenile Oversight Committee. “Annual Report.” 2025.; KDOC, Annual Report, <https://www.doc.ks.gov/dashboards/annual-report-dashboards> and KDOD, Annual Report, 2015, <https://www.doc.ks.gov/publications/Reports/Archived/2015/view>; Kansas Department of Corrections, “Current Population Totals,” last modified December 5, 2025, accessed December 5, 2025, https://www.doc.ks.gov/current_population_totals; KDOC, Annual Report, <https://www.doc.ks.gov/dashboards/annual-report-dashboards> and Justice Center, The Council of State Governments, 2015. <https://www.doc.ks.gov/juvenile-services/csg/PPT2015/view>; The Sentencing Project. (2025, November 20). *Youth justice by the numbers*. <https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>

¹⁴ This calculation excludes Child In Need of Care (CINC) intake cases. When those cases are included in the total, misdemeanors are still the majority of youth intakes at 58%. KDOC. Juvenile Justice Oversight Committee Quarterly Data Presentation—Reasons for Intake FY 2024 & 2025

Frustration with system gaps is understandable, but we cannot ask children to bear the cost of those failures. We have tried a punitive, confinement-heavy approach before. It did not work. The answer is not longer detention, reintroducing harmful placements, or broader punitive responses. Instead, it is full implementation and funding of the evidence-based reforms Kansas committed to a decade ago.

For these reasons, I urge you to oppose HB 2329 as written. Doing so affirms a commitment to evidence, fiscal responsibility, and the well-being of Kansas children. Vote no on HB 2329 and keep the promise to pursue a youth justice system that is effective, fair, and truly rehabilitative.

Thank you for your time,
Mike Fonkert