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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 22, 2026

Subject: Bill Brief for HB 2329

House Bill 2329 increases the cumulative detention limit for juvenile offenders, increases the penalties for juvenile offenders who use a firearm in the commission of an offense or who are repeat offenders, 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). Current law provides that if a juvenile used a firearm during the commission of an offense, the juvenile may be committed to the juvenile correctional facility for a minimum term of six months and a maximum term of 18 months. The House Committee amended this provision so that if juvenile possessed or used a firearm in

the commission of an offense, the juvenile may be committed to the juvenile correctional facility for a minimum term of 12 months and a maximum term of 24 months.

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 provides that chronic offenders may only be committed to a juvenile correctional facility if the juvenile is high-risk. The House Committee made an amendment to include moderate-risk offenders. 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. 38-2391 and was added by the House Committee. Current law in this section limits the use of cumulative detention to 45 days over the course of the juvenile's case. The section is amended to increase that cap to 90 days.

Section 5 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 35 nor more than 45 (was 40 as introduced) non-foster home beds in youth residential facilities for placement of certain juvenile offenders. The House Committee added that not more than 15 beds can be in any single facility. 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 6 amends K.S.A. 75-52,161 and was added by the House Committee. This section provides the duties of the juvenile justice oversight committee, and the amendment provides that the committee shall monitor the impact and effectiveness of placement of juvenile offenders in non-foster home beds in youth residential facilities.

Section 7 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.

Section 8 amends K.S.A. 75-7023 and was added by the House Committee. This section relates to juvenile intake and assessment services. It is amended to require the court to approve an override function to the detention risk assessment when a juvenile is alleged to have possessed or used a firearm during the commission of an offense. In that instance, juvenile intake and assessment is required to place the juvenile in detention.