

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2329

As Amended by Senate Committee of the Whole

Brief*

HB 2329, as amended, would amend provisions in the Revised Kansas Juvenile Justice Code relating to sentencing alternatives, the placement matrix, and detention length limit. The bill would also direct the Secretary of Corrections (Secretary) to contract for beds for juvenile alternative sentences to out-of-home placements, direct the funding for such placements to come from the Evidence-based Programs Account (EBPA), and remove expired sunsets regarding such out-of-home placements. The bill would also authorize the Secretary to enter into a memorandum of agreement (MOA) to provide money from the EBPA to additional types of facilities with a program purpose of behavioral health crisis intervention for juveniles.

The bill would also make technical and conforming amendments.

Juvenile Placement Matrix (Section 3)

The bill would authorize the court to sentence juveniles considered chronic offenders, as defined in current law, to a juvenile correctional facility if they are assessed as moderate-risk or high-risk on a risk and needs assessment.

[*Note:* Current law restricts this discretion to chronic offenders assessed as high-risk on a risk and needs assessment.]

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

The bill would also add the following category of juvenile offender to those considered chronic offenders: an offender adjudicated as a juvenile offender for an offense committed while such offender was awaiting adjudication for a prior felony offense or on probation or conditional release for a prior felony adjudication.

Juvenile Sentencing Alternatives (Sections 1, 2, 5, 6, and 7)

Youth Residential Facility (Sections 1, 5, 6, and 7)

Establishment. The bill would direct the Secretary, between July 1, 2026 and July 1, 2030, to contract for the use of no less than 35 nor more than 45 non-foster home beds in youth residential facilities, with no more than 15 beds in one facility. The bill would allow the Secretary, on and after July 1, 2030, to contract for the use of not more than 50 non-foster home beds in youth residential facilities.

The bill would further direct the Secretary to use available data on juvenile case filings to determine regional need and corresponding allocation of non-foster home beds.

Payment. The bill would direct the Secretary to cover the cost associated with all aspects of juveniles in youth residential facilities, and would authorize the Secretary to make expenditures from the EBPA not to exceed \$10.0 million, subject to appropriations, to do so. These provisions would expire on July 1, 2030. The bill would also direct that no expenditure could be made from the EBPA for non-foster home beds in youth residential facilities after July 1, 2030.

Placement. The bill would authorize the court to place a convicted juvenile with the Secretary and order the Secretary to place the juvenile in a youth residential facility between July 1, 2026 and July 1, 2030.

Oversight. The bill would direct the Juvenile Justice Oversight Committee (JJOC) to monitor the impact and effectiveness of placement of juvenile offenders in youth residential facilities. In addition to the JJOC's annual report that is required to be issued to the Governor, legislative leaders, and the Chief Justice, the bill would require the JJOC to submit a report to the Legislature on or before February 1, 2030 evaluating the effectiveness and outcomes of placement of juvenile offenders in youth residential facilities. The bill would require the report to include a recommendation of whether to increase, modify, or discontinue expenditures made for placement of juvenile offenders in youth residential facilities.

The bill would remove expired sunsets regarding youth residential facilities from January 1, 2018.

Possession or Use of a Firearm (Section 1)

The bill would authorize the court to commit a juvenile, regardless of their risk level as determined by a risk and needs assessment, directly to the custody of the Secretary for placement in a juvenile correctional complex for a minimum of 12 months and a maximum of 24 months, if:

- A firearm was possessed or used during the commission of the offense; and
- The offense would constitute a felony if it were committed by an adult.

Emergency Shelters and Therapeutic Foster Homes (Section 1)

Continuing law authorizes the court to order a short-term placement of a juvenile in an emergency shelter, therapeutic foster home, or community integration program if the juvenile has been adjudicated of certain specified offenses, and the victim resides with the juvenile offender.

The bill would direct the Secretary to contract with emergency shelters and therapeutic foster homes in order to facilitate the placement of such juvenile offenders.

Juvenile Detention

Detention Limit (Section 4)

The bill would extend the maximum detention limit from 45 cumulative days to 90 cumulative days. [Note: This limit does not apply to juveniles adjudicated of an offense that would constitute an off-grid or nondrug severity level 1 through 4 person felony.]

Detention Risk Assessment Override (Section 8)

Current law provides for the juvenile intake and assessment process, including the completion of a detention risk assessment on the juvenile.

The bill would direct the court to approve an override function of the detention risk assessment tool when a juvenile is alleged to have possessed or used a firearm during the commission of an offense or has been presented to a juvenile intake and assessment system for the second time within one year. The bill would direct the juvenile intake and assessment worker or the court to order direct placement of the juvenile in a juvenile detention facility when the detention risk assessment tool is overridden pursuant to the bill.

Juvenile Crisis Intervention Services Funding

Under current law, the Secretary may enter into MOAs with other cabinet agencies to provide up to \$2.0 million annually from the EBPA for juvenile crisis intervention services. The bill would clarify and expand this authorization to allow such funding for:

- Juvenile crisis intervention services provided by a licensed juvenile crisis intervention center; or
- Other residential facility licensed by the Department for Children and Families (DCF) or the Kansas Department for Aging and Disability Services (KDADS) that has a program purpose of behavioral health crisis intervention for juveniles.

Background

The House Committee on Corrections and Juvenile Justice amended HB 2329 and inserted the amended contents of HB 2325. The Senate Committee on Judiciary amended HB 2329 and inserted the contents of SB 414.

Background information for HB 2329, HB 2325, and SB 414 is provided below.

HB 2329 (Youth Residential Facilities)

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Lewis.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on February 17, 2025, representatives of the Children's Alliance of Kansas (CAK), Kansas Sheriffs Association, Kansas' 10th and 18th Judicial Districts, KVC Kansas, Saint Francis Ministries (SFM), Sedgwick County, and Sedgwick County Department of Corrections offered **proponent** testimony. The proponents generally stated the current system for juveniles works well for most kids, but there are a handful who get swept into the foster care system with behaviors too great for that system to handle, but not great enough for a juvenile correctional

facility, and the bill would create a middle ground to fill that gap.

Written-only proponent testimony was submitted by a representative of the Wichita Police Department.

Written-only **neutral** testimony was submitted by representatives of the The Council of State Governments (CSG) Justice Center and the Kansas Association of Court Services Officers.

Representatives of the Kansas Department of Corrections (KDOC), the Juvenile Justice Oversight Committee (JJOC), and Kansas Appleseed presented **opponent** testimony, generally stating the bill would not address the issues the proponents raised, the youth residential centers do not lead to better outcomes for kids, and the EBPA cannot sustain this funding in fiscal years 2027 and 2028.

Written-only opponent testimony was submitted by a representative of National Alliance on Mental Illness Kansas.

No other testimony was provided.

The bill was referred to the House Committee on Federal and State Affairs on February 18, 2025, and re-referred to the House Committee on Corrections and Juvenile Justice on February 20, 2025.

On March 3, 2025, the House Committee on Corrections and Juvenile Justice amended the bill to:

- Limit the number of beds in a youth residential facility to no more than 15 beds in a single facility;
- Direct the Secretary to contract for no more than 45 beds in youth residential facilities;

- Direct the Secretary to contract no less than 35 beds from no less than 40 beds in youth residential facilities;
- Direct the JJOC to monitor the impact and effectiveness of youth residential facilities; and
- Insert the contents of HB 2325.

HB 2325 (Chronic Juvenile Offenders and Juvenile Special Firearms Conditions)

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Lewis.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, representatives of CAK, Kansas Sheriffs Association, Kansas' 10th and 18th Judicial Districts, Love is Foundation, and SFM offered **proponent** testimony. The proponents generally stated there are not enough options currently for juvenile offenders who commit a felony while awaiting adjudication for a felony or juveniles who commit a felony while possessing or using a firearm, and this bill would give more options for such juveniles.

Written-only **neutral** testimony was submitted by representatives of CSG Justice Center and the Kansas Association of Court Services Officers.

Representatives of the JJOC, Kansas Appleseed, and KDOC presented **opponent** testimony, generally stating the bill is contrary to evidenced-based practices and would cause harm by incarcerating children for minor infractions for long periods of time.

Written-only opponent testimony was submitted by a representative of National Alliance on Mental Illness Kansas.

No other testimony was provided.

The bill was referred to the House Committee on Federal and State Affairs on February 18, 2025, and re-referred to the House Committee on Corrections and Juvenile Justice on February 25, 2025.

On March 3, 2025, the House Committee on Corrections and Juvenile Justice amended the bill to:

- Decrease to 24 months from 36 months the maximum alternative, direct sentence to a juvenile correctional facility the court may sentence a juvenile adjudicated of a crime that would be a felony if committed by an adult and found to have possessed or used a firearm during the commission of such offense;
- Authorize the court to order direct placement of chronic offenders to a juvenile correctional facility if such offenders are assessed to be moderate-risk in addition to high-risk;
- Remove a provision including a technical violation as a reason for a court to commit a juvenile to detention and maintain current law; and
- Clarify language regarding the override function of the detention risk assessment in a juvenile intake and assessment center.

House Committee of the Whole

The House Committee of the Whole made a conforming amendment to the bill to amend a provision related to the cumulative detention limit.

Senate Committee on Judiciary

In the Senate Committee hearing on January 22, 2026, the District Attorneys of Kansas' 10th and 18th Judicial Districts; a representative of the Kansas Sheriffs' Association and Kansas Association of Chiefs of Police; representatives of CAK, EmberHope, KVC Kansas, O'Connell Children's Shelter, SFM, and Sedgwick County; and a private citizen testified as **proponents** of the bill. Proponents provided substantially similar testimony as in the House Committee hearing. Proponents also expressed support for the provisions added by the House Committee concerning chronic offenders and juvenile offenders using or possessing firearms.

Written-only proponent testimony was provided by representatives of the Johnson County Department of Corrections and TFI Family Services.

Neutral testimony was provided by representatives of the CSG Justice Center and the Kansas Community Corrections Association, generally stating the bill needs to clearly specify the youth appropriate for out-of-home placement and that research shows incarcerating youth who are not high-risk for reoffending is an ineffective public safety strategy.

Written-only neutral testimony was provided by the Child Advocate of Kansas.

On January 26, 2026, **opponent** testimony was provided by representatives of ACLU of Kansas, JJOC, Kansas Appleseed, KDOC, and two representatives of Progeny. Opponents provided substantially similar testimony as provided in the House Committee.

Written-only opponent testimony was provided by representatives of Destination Innovation, Inc., and Heartland 180, Inc., and two representatives of Progeny.

No other testimony was provided.

The Senate Committee amended the bill to:

- Add a category of chronic offender;
- Add a circumstance in which the override function of the detention risk assessment tool may be used; and
- Insert the contents of SB 414, pertaining to juvenile crisis intervention services funding.
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SB 414 (Juvenile Crisis Intervention Services Funding)

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of DCF.

Senate Committee on Judiciary

In the Senate Committee hearing, representatives of CAK, DCF, KDADS, and KDOC testified as **proponents** of the bill. Proponents of the bill generally stated expanding access to EBPA funds would increase access to juvenile crisis intervention services.

Written-only proponent testimony was provided by the Kansas Child Advocate and representatives of JJOC and O'Connell Children's Shelter.

Neutral testimony was provided by a representative of CSG Justice Center, who stated the changes in the bill align with the original intent of the EBPA funding and would increase more access across the state for young Kansans in crisis.

No other testimony was provided.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to:

- Direct the Secretary, between July 1, 2026 and July 1, 2030, to contract for the use of no less than 35 nor more than 45 non-foster home beds in youth residential facilities;
- Allow the Secretary, on and after July 1, 2030, to contract for the use of not more than 50 non-foster home beds in youth residential facilities;
- Make provisions concerning expenditures from the EBPA expire on July 1, 2030 and direct that no expenditure could be made from the EBPA for non-foster home beds in youth residential facilities after July 1, 2030;
- Direct the Secretary to place a convicted juvenile in a youth residential facility between July 1, 2026 and July 1, 2030; and
- Require the JJOC to submit a report to the Legislature on or before February 1, 2030, evaluating the effectiveness and outcomes of placement of juvenile offenders in youth residential facilities.

Fiscal Information

HB 2329 (Youth Residential Facilities)

According to the fiscal note prepared by the Division of the Budget on HB 2329, as introduced, KDOC indicates enactment of the bill would require State General Fund (SGF) expenditures of \$10.0 million in each fiscal year, beginning in FY 2026. KDOC states in order to accommodate this

spending, the agency may be required to reduce the amount of grant funding available for other evidence-based programs in future fiscal years.

The Kansas Association of Counties (KAC) indicates enactment of the bill would have no fiscal effect on county governments.

HB 2325 (Chronic Juvenile Offenders and Juvenile Special Firearms Conditions)

According to the fiscal note prepared by the Division of the Budget on HB 2325, as introduced, KDOC indicates that enactment of the bill would increase SGF expenditures by \$2.6 million per fiscal year beginning in FY 2026. The agency estimates the bill would increase admissions to the Kansas Juvenile Correctional Complex by 42 juveniles per year, requiring at least three 15-bed housing units at the facility to be re-opened.

To remain in compliance with federally required staffing ratios under the Prison Rape Elimination Act, KDOC indicates it would need to hire 26.5 full-time equivalent (FTE) correctional officer positions to staff the re-opened units. The agency also states that 2.0 FTE corrections counselor positions would be necessary to accommodate the increased population. KDOC estimates the total cost for these positions would be \$2.3 million. KDOC estimates that other operating costs, such as food service and health care, would total \$308,519 per fiscal year.

The Judicial Branch indicates that enactment of the bill would have a negligible fiscal effect on its operations. The Board of Indigents' Defense Services indicates the bill would have no fiscal effect on agency operations.

Any fiscal effect associated with HB 2325 is not reflected in *The FY 2026 Governor's Budget Report*.

KAC indicates enactment of HB 2325 has the potential to increase county government expenditures on supervision of juvenile offenders; however, KAC is unable to provide a precise estimate of this effect.

SB 414 (Juvenile Crisis Intervention Services Funding)

According to the fiscal note prepared by the Division of the Budget on SB 414, KDOC indicates that enactment of the bill would not increase state expenditures beyond the \$2.0 million annually that is already authorized in current law for juvenile crisis Intervention services from the EPBA. The bill would expand the types of facilities eligible for the existing funding but would not change the total amount available.

KDADS indicates that enactment of the bill could result in increased costs if funds were used for children's crisis respite facility creation, operation, and services. KDADS notes that there are currently not enough children's crisis respite beds in the state. However, a specific cost estimate cannot be determined at this time.

DCF indicates that enactment of the bill would have no fiscal effect on its operations.

Revised Kansas Juvenile Justice Code; juvenile sentencing; firearm possession; Department of Corrections; youth residential facility; case length limit; Evidence-Based Programs Account