



**OFFICE OF THE DISTRICT ATTORNEY  
EIGHTEENTH JUDICIAL DISTRICT**

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March 7, 2023

**Testimony Regarding HB 2021  
Submitted by Marc Bennett, District Attorney  
Eighteenth judicial District**

Chairwoman Warren and members of the Senate Judiciary Committee, thank you for the opportunity to issues related to HB 2021.

I have documented in previous testimony this session--outlined below--the concerns brought to my attention by prosecutors around the state regarding the current state of the juvenile justice system in Kansas since the implementation of SB367 in 2016. The current system is capable of addressing juveniles who commit very serious crimes and those at the other end of the spectrum who commit non-violent, minor crimes. The kids in the middle are the concern. The overuse of the child-in-need-of-care system and foster care as the place to send these kids in this "middle" category is of primary concern. The language added in HB 2021 at Sec. 2 (g) and Sec 3 (h), requiring collaboration should be an improvement. Additionally, HB 2021 seeks to add a degree of flexibility to case length limits. That change is not likely to completely fix the issues we currently face, but it should help concerns re the current, ineffective case length limits.

Perhaps the biggest positive in HB2021 is the discussion in Sec 8 regarding the funding of community programs -- something promised in 2016 when SB367 was first implemented. As the committee takes up HB2021, I'll refer the members to my testimony (written and before the committee) offered earlier this session to the House Corrections and Child Welfare Committee wherein I identified 8 ongoing concerns with SB 367: (1) the lack of short-term alternative placements for juvenile adjudicated of certain types of crimes; (2) the unduly restrictive 45 day maximum out-of-home placement limits; (3) the impact of the 45 day max detention limit on conditional release violations; (4) 7 days per month earned discharge credit under the expansive definition of "successful compliance"; (5) the adverse impact that case length limits have on success of juveniles placed on probation; (6) the impact that an unrelated adult conviction will have on a juvenile adjudication; (7) the lack of mental health treatment options; and (8) the impact SB367 has had on the frequency of Motions for Adult Prosecution.

As the legislature works HB2021 and as other bills may be introduced regarding juvenile justice,

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I encourage any effort to add more options and more flexibility for practitioners and judges in the juvenile courts of this state. Increasing case length limits, increasing detention limits, increasing treatment options in the communities, increasing residential options (as an alternative to foster care) and adding respite options for families of juveniles who are working with treatment are all needed. Thank you for your time and attention.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Bennet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marc Bennet  
District Attorney

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