

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2329

As Amended by House 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 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/>

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 to contract the use of not 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 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 million, subject to appropriations, to do so.

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.

Oversight. The bill would direct the Juvenile Justice Oversight Committee to monitor the impact and effectiveness of 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

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. 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.

Background

The House committee on Corrections and Juvenile Justice amended HB 2329 and inserted the amended contents of HB 2325. Background information for both bills 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, Kansas Sheriffs Association, Kansas' 10th and 18th Judicial Districts, KVC Kansas, Saint Francis Ministries, Sedgwick County, and Sedgwick County Department of Corrections offered **proponent** testimony. The proponents generally stated that 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.

Representatives of the Department of Corrections, the Juvenile Justice Oversight Committee, 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.

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

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 not 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 Juvenile Justice Oversight Committee to monitor the impact and effectiveness of youth residential facilities; and
- Insert the contents of HB 2325.

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.

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 Children's Alliance of Kansas, Kansas Sheriffs Association, Kansas' 10th and 18th Judicial Districts, Love is Foundation, and Saint Francis Ministries offered **proponent** testimony. The proponents generally stated that 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.

Representatives of the Department of Corrections, the Juvenile Justice Oversight Committee, and Kansas Appleseed presented **opponent** testimony, generally stating that the bill is contrary to evidenced-based practices and the bill 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.

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

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.

Fiscal Information

HB 2329 (Youth Residential Facilities)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Corrections indicates enactment of the bill would require State General Fund (SGF) expenditures of \$10.0 million in each fiscal year, beginning in FY 2026. The Department 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.

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

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Corrections 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, the Department indicates it would need to hire 26.50 full-time equivalent (FTE) correctional officer positions to staff the re-opened units. The agency also states that 2.00 FTE corrections counselor positions would be necessary to accommodate the increased population. The Department estimates the total cost for these positions would be \$2,340,331. The Department 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 or HB 2329 is not reflected in *The FY 2026 Governor's Budget Report*.

Revised Kansas Juvenile Code; juvenile sentencing; firearm possession; Department of Corrections; Youth Residential Facility; case length limit; evidence-based programs account