



Testimony on HB 2445

Submitted To

The House Corrections and Juvenile Justice Committee

By

Kansas Department of Corrections

January 28, 2020

The Kansas Department of Corrections appreciates the opportunity to offer a perspective on the proposed changes in House Bill 2445. We are in opposition to this bill.

As the Committee reviews this proposal, please consider the impact upon those children who are proposed to be confined in a juvenile detention center for up to 24 hours. While the time period is short, the population of children in juvenile detention centers for an alleged juvenile offense are unlikely to be a positive influence upon this new population. Further, we are not aware of any research that suggests that placing a child in detention is likely to make any change in the presenting behavior(s) that cause some to seek this option in Kansas law. To the contrary, research indicates such confinement is more likely to harm the child, contributing to increased risk for suicide and exposure to violence. The existing definition of a "secure facility" in K.S.A. 38-2202 (ff) has for many years provided a solution for Kansas children and perhaps effort could be directed to establishment of such a facility instead of confinement in a juvenile detention center.

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Second, while predicting the progress of Congress is difficult, the topic of secure confinement of children in the United States continues to be a subject of Congressional consideration. There is some potential that there will be an amendment to the Juvenile Justice Delinquency Prevention Act (JJDP A) (H.R. 6964) which would prohibit States from the practice proposed in HB2445. If Kansas were not in compliance with the JJDP A, federal funding to Kansas under the Juvenile Justice Delinquency Prevention Act (JJDP A) could be reduced or lost entirely. As it stands now, the federal laws require a specific valid court order (VCO) to be noted and documented when finding a violation. It also requires that the court, in order to place a young person in detention for a VCO hold, must find that no less restrictive alternative is available. HB2445, as written, does not align with these federal requirements. Currently, 32 states have

changed their law to prohibit the placement of CINC youth in detention, one of which is Kansas, who has served as a forerunner in these efforts.

In closing, Kansas made policy choices in 2016 which ended the prior practice of detaining this population in juvenile detention centers. While that does present a need for a specific group of children subject to the CINC code, we hope the Legislature will determine a different path forward for their sake.

Thank you



Testimony on HB 2445

Submitted To

The House Corrections and Juvenile Justice Committee

By

Kansas Department of Corrections

January 28, 2020

The Kansas Department of Corrections appreciates the opportunity to offer a perspective on the proposed changes in House Bill 2445. We are in opposition to this bill.

As the Committee reviews this proposal, please consider the impact upon those children who are proposed to be confined in a juvenile detention center for up to 24 hours. While the time period is short, the population of children in juvenile detention centers for an alleged juvenile offense are unlikely to be a positive influence upon this new population. Further, we are not aware of any research that suggests that placing a child in detention is likely to make any change in the presenting behavior(s) that cause some to seek this option in Kansas law. To the contrary, research indicates such confinement is more likely to harm the child, contributing to increased risk for suicide and exposure to violence. The existing definition of a "secure facility" in K.S.A. 38-2202 (ff) has for many years provided a solution for Kansas children and perhaps effort could be directed to establishment of such a facility instead of confinement in a juvenile detention center.

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