

Legislative Testimony

In **Opposition** to HB2325
Senate Committee on Judiciary
February 13th, 2025

Written Only

Chair Warren and Members of the Committee:

My name is Rashane Hamby, and I serve as the Director of Policy and Research at the American Civil Liberties Union (ACLU) of Kansas. The ACLU of Kansas is a nonpartisan, nonprofit organization with more than 35,000 supporters statewide, dedicated to preserving and strengthening the civil rights and liberties of every Kansan. I submit this testimony in strong opposition to House Bill 2325 (HB 2325). Harsher mandatory minimums and longer specific time limits for probation violations create more problems than they solve. Detention should not be the default, and connection to the community should be valued over cycles of incarceration.

Committing Juveniles to Longer Detention can Increase Debt

Increasing the maximum cumulative detention limit hurts not only the youth themselves, but their family and support networks as well. Kansas children and young adults, as well as their families, pay a host of fees derived from their stays in prisons, from their court dates, from their urinalysis lab fees, penalties for nonpayment, restitution to victims, late fees, calculated interest, and more.

Some youth will arrive at facilities with a fair amount of debt from hearings and court appearances, and any time spent on probation, but they get more helpings of debt heaped on them once entering. They will leave those institutions imprisoned by still more unwieldy debt.

This bill will only increase the number of individuals held in detention facilities. This level of incarceration isn't cheap, and the network of fines and fees were ostensibly meant to help offset those costs. Kansas spends \$134,000 a year for each youth at the Kansas Juvenile Correction Complex in Topeka (Urban Institute, 2020). That's essentially \$368 a day, per youth. By increasing the number of individuals in these facilities, as well as their duration of their stay, the operational costs would only increase, impacting not only the youth themselves, but their families and relatives who would also be held responsible for their debts.

Incarceration isn't a Solution, It's the Problem.

Detention not only puts a strain on a juvenile's family, but it separates them from their support system and community. On any given day nation-wide, nearly 60,000 youth under age 18 are incarcerated in juvenile jails and prisons in the United States. Confining young people for longer

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periods of time— cutting them off from their families, disrupting their educations, and often exposing them to further trauma and violence – harms their development and has lifelong negative consequences (ACLU Kansas, 2024).

Our system for dealing with juvenile crime remains beset by many of the same issues that exist in the adult system including but not limited to sexual abuse, criminal activity, punishment isolation and much more. Our system seems heavily calibrated for punishment rather than restorative rehabilitation.

Youth in juvenile facilities may suffer from substance abuse, mental illness, sexual abuse but the system seems to respond only to criminality and not to the trauma that may have triggered such behavior. By increasing the limit juveniles are allowed to be detained for, you increase their chances of encountering such stressors.

Detaining youth in these facilities cuts them off from the individuals who want to see them succeed. Instead, we should be finding ways to connect them to the community.

Detention Should not be the Default.

In lieu of increasing detention limits for various offenses, instead our system should focus on reconnecting our youth to our community through restorative justice or locally based community programs. Several states, including Ohio, Illinois, California, Texas, Alabama, and New York, have experienced huge decreases in youth incarceration after passing legislation to shift resources away from state-run facilities to locally operated, community-based programs (ACLU, 2025). One example of a state prioritizing youth’s reintegration into community support networks is Connecticut. Connecticut emphasizes the state’s focus on rehabilitation above incarceration, affirming that its juvenile justice system operates with “the concepts of restorative justice, emphasizing protection of the community, offender accountability, and rehabilitation.” Law enforcement officers in the state are encouraged to confer with parents, make referrals to community organizations, and get youth service agencies involved in juvenile offender interventions. In the case convicted juveniles must be removed from home environments, the situation is under the jurisdiction of the Department of Children and Families (DFC), a state agency that works one-on-one with juveniles and families (George Washington Justice Journal, 2022).

Previous Reform Effort in Kansas Legislature Proven Successful, Including Decreasing Technical Violations

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In 2016, the Kansas Legislature rolled out a series of reforms that decreased the amount of youth in detention facilities and focused on keeping youth in locally based community programs. Those 2016 reforms brought positive results.

For example, Kansas has significantly reduced youth incarceration for technical violations. In 2015, 68 percent of youth admissions were for technical violations. However, In 2019, after legislative reform efforts by the Kansas State Legislature, only five percent of new incarceration admissions were for technical violations (Urban Institute, 2020).

Also, the report stated the number of youths incarcerated in juvenile correction facilities in Kansas declined by 52 percent between 2010 and 2019. During this same period, the number of youths in juvenile custody (out-of-home placements, foster care, home treatment, psychiatric residential treatment centers, etc.) dropped 88 percent (ACLU Kansas, 2022). Also, the number of youths on intensive probation declined 49 percent. Reform efforts can have proven to be successful, providing the youth stay connected to their community and support networks.

Conclusion

For these reasons, HB 2325 inflicts harmful practices on the youth of Kansas, and contributes to a destructive cycle of incarceration and detention by raising detention limits, instead of fostering community connection and support. I urge the committee to reject HB2325. Detention should not be the default action. Instead, we should look for efforts that lower recidivism, instead of drowning our youth in more debt and dangerous pipelines. Thank you for your time and consideration.

Thank you,

Rashane Hamby
Director of Policy and Research

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