



Kansas County & District Attorneys Association

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To: House Committee on Corrections and Juvenile Justice

From: Donald W. Hymer Jr, Assistant District Attorney, Johnson County, Kansas, Juvenile Section Chairman for KCDA and Kim T Parker Kansas County and District Attorney's Association

Date: February 18, 2020

Re: House Bill No. 2505 of the 2020 Legislative Session

Chairman Jennings and Members of the Committee on Corrections and Juvenile Justice

Thank you for this opportunity to present testimony on another piece of legislation on the very important issue of juvenile justice reform and potential amendments to SB 367. As this committee is aware SB 367 has impacted both the Juvenile Justice and the Child in Need of Care systems. Numerous workgroups and committees have examined these issues, many under direction to examine so called, "crossover youth" or youth with involvement in both the Juvenile Justice and Child in Need of Care systems. Crossover youths were in no way, shape or form created by SB 367, but the policies of SB 367 have impacted that population. My name is Donald W. Hymer Jr., and I am a prosecutor in Johnson County, Kansas where I have prosecuted Juvenile Justice cases and Child in Need of Care cases for over 29 years. I also serve on the Juvenile Justice Oversight Committee, The Judicial Council: Juvenile Offender and Child in Need of Care Advisory Committee, and today I am here on behalf of the Kansas County and District Attorneys Association.

In 2019 the Kansas Judicial Council: Juvenile Officer and Child in Need of Care Advisory Committee was asked by Representative Fred Patton to study the impact of SB 367 on crossover youth in Kansas. I was privileged to serve on the committee to examine the issue. The committee was comprised of judges, mental health workers, representatives of the Kansas Department of Corrections, the Kansas Department for Children and Families, CASA (Court Appointed Special Advocate), a law professor, foster care providers, prosecutors, law enforcement, and legislators. This multi-disciplinary committee heard reports from the courts and court service offices as to the challenges in dealing with offenders and how to properly hold offenders accountable for their crimes and for their performance on court ordered supervision or

probation. The committee recommended a number of changes to the current system designed to provide swifter and surer accountability in the juvenile justice system.

The current lack of proper accountability for some offenses and for probation violations has impacted juvenile justice in Johnson County. In 2016, in Johnson County, 269 felony cases were filed. In 2019, 387 felony cases were filed. This represents a 44% increase of felony filings that corresponds with the implementation of SB 367. I cannot testify the increase is completely attributed to SB 367, but we are told by members of our juvenile justice “help community” that juveniles often report they know nothing will happen when they violate the law or terms of probation. As a result the Judicial Council Report of the Juvenile Offender/Child in Need of Care Advisory Committee, filed December 13, 2019, makes numerous suggestions for changes and prepared potential amendments to the Juvenile Justice Code.

HB 2505 seeks to accomplish the same goal on a much smaller scale. However, any amendment to SB 367 that adds proper consequences and accountability would be welcome. The “boots on the ground” working with youth in the Juvenile Justice system would welcome such change. I would however urge the committee to consider the changes recommended by the Judicial Council report as requested by the legislature.

Thank you for the opportunity to share my thoughts and concerns with your committee.

Sincerely,

Donald W. Hymer Jr.
Assistant District Attorney
Johnson County, Kansas
Juvenile Section Head, KCDA
Kim T Parker
Prosecutor Coordinator
On behalf of the Kansas County and District Attorneys Association