



**KANSAS APPLESEED**  
*Justice for all.*

TESTIMONY OF BENET MAGNUSON  
EXECUTIVE DIRECTOR  
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE  
BEFORE THE KANSAS HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

**IN OPPOSITION TO HOUSE BILL 2739**

JANUARY 28, 2018

My name is Benet Magnuson; I am the executive director of the Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

**Kansas Appleseed opposes House Bill 2739.**

Kansas's statutes and case law, guided by robust scientific research into childhood and adolescent brain development, have determined it is ineffective and unfair to punish youth as though they were adults. Senate Bill 367 (2016), for example, amended the Kansas juvenile justice code to create a system that is more responsive to the unique risks and needs of youth in order to improve both public safety and outcomes for youth. Similarly, our state's Court of Appeals in *State v. Medina* in 2016 found lifetime post-release supervision for sex offenses committed by a juvenile to be categorically unconstitutional cruel and unusual punishment under the Eighth Amendment of the United States Constitution, regardless of the severity of the sex offense.

The 2016 *Medina* decision from the Kansas Court of Appeals was based on the Kansas Supreme Court's 2015 ruling in *State v. Dull*, which cited the United States Supreme Court decisions in *Roper v. Simmons*, 543 U.S. 551 (2005), *Graham v. Florida*, 560 U.S. 48 (2010), and *Miller v. Alabama*, 567 U.S. — (2012), that held “**children are constitutionally different from adults for purposes of sentencing**” because of juveniles' greater capacity for rehabilitation and their diminished culpability (due to their not fully developed cognitive abilities and their heightened dependence on family and peers), and certain sentences are thus unconstitutional when applied to juvenile offenders (the death penalty in *Roper*, life without parole for non-homicide crimes in *Graham*, and mandatory life without parole for any juvenile offense in *Miller*).

While the registration requirements created for juveniles by House Bill 2739 are unlikely to improve public safety, they are likely to cause significant life-long harm for many youth. Research has shown registration requirements for juveniles do not reduce recidivism or accurately identify youth at highest risk for offending.<sup>1</sup> At the same time, research has also shown registries of juveniles raise the risk that those youth will themselves become victims of sexual crimes and other life-long harm.<sup>2</sup>

Respectfully submitted,  
Benet Magnuson  
Executive Director

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<sup>1</sup> See, e.g., Caldwell, M. F., Dickinson, C. (2009). Sex offender registration and recidivism risk in juvenile sexual offenders. *Behavioral Sciences and the Law*, 27, 941-956.

<sup>2</sup> See, e.g., Nicole Pittman, “Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US,” *Human Rights Watch* (2013): 23.

**Kansas Appleseed Center for Law and Justice, Inc.**

1535 W. 15th St, Lawrence, KS 66045 | 785-864-9294 | [bmagnuson@kansasappleseed.org](mailto:bmagnuson@kansasappleseed.org)