

House Corrections and Juvenile Justice Committee
February 14, 2018
House Bill 2739
Testimony of the Kansas Association of Criminal Defense Lawyers
Opponent

Dear Chairman Jennings and Members of the Committee:

If research and data have taught us anything in the last 10+ years, it is that **youth are different from adults**. HB 2739 takes a big step backwards in the wrong direction.

Under current law, if a juvenile is 11-13 years old and is adjudicated of a crime on the list in K.S.A. 22-4902(c)¹, the court has the discretion to do one of three things: 1) order the juvenile to register until age 18 or five years from the date of adjudication or release from incarceration, which ever is longer; 2) require registration but not make it public; or 3) not require registration. See K.S.A. 22-4906. A court has the same three choices if the juvenile is 14-17 and is adjudicated of a crime on the list in K.S.A. 22-4902(c) that is less than an offgrid or severity level 1 felony. If the juvenile is 14-17 and is convicted of a level 1 offense, then registration is for life. Current law also has Romeo and Juliet-type provisions to allow for no registration in situations of nonforcible sexual conduct between people fewer than four years apart.

HB 2739 would do away with this long-standing treatment of juveniles. Instead, if any juvenile aged 11-17 was adjudicated of a crime on the list in K.S.A. 22-4902(c), then the court would have no choice but to order that child to register for life.

Treating children the same as adults goes against other policy decisions this Legislature has made recently. Treating children the same as adults goes against science, research, and data. (For examples of that information, see United States Supreme Court decisions between 2005-2016 concerning juveniles, <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>; see also <http://fairsentencingofyouth.org>.) Recently, based upon the same research and data, the Kansas appellate courts found that lifetime postrelease for juveniles convicted of sex offenses is unconstitutional. See *State v. Dull* (2015) <http://www.kscourts.org/Cases-and-Opinions/opinions/SupCt/2015/20150605/106437.pdf>; *State v. Medina* (2016) <http://www.kscourts.org/Cases-and-Opinions/opinions/CtApp/2016/20161014/114523.pdf>. **Please reject HB 2739.**

Thank you for your consideration,
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¹ K.S.A. 22-4902(c) refers to this list as “sexually violent crimes” – however, not all of these crimes are “violent” in the context of juveniles in that they include consensual sexual contact between juveniles, but the contact is illegal. There are 18 crimes/categories on that list.