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Governor Jeff Colyer, M.D.

Testimony on HB 2739
To
The House Corrections and Juvenile Justice Committee

By Joe Norwood
Secretary
Kansas Department of Corrections
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The Department opposes HB 2739. HB 2739 amends K.S.A. 22-4902 and 22-4906 in regard to registration requirements for juveniles.

Changing registration requirements for sex offenses to match the requirements for adults is contrary to effective practice in juvenile justice. Even the United States Supreme Court, in several high-profile rulings, has increasingly acknowledged the differences between adolescents and adults by determining that youth maybe less culpable because of the brain and social science research showing fundamental differences between juvenile and adult minds. Therefore, the Supreme Court rulings support the concept that juveniles be entitled to age-appropriate sentencing.[i]

Furthermore, registration is not a proven or effective way to reduce reoffending.

- Research does not support the idea that juvenile registration policies improve public safety.
  - One study shows recidivism rates for registered youth are similar to those of youth who do not register. [ii]
  - Registration is not associated with declines in juvenile sex crimes.[iii]

- Youth on sex offender registries do not have a statistically higher likelihood of committing a sex offense than other youth[iv].

  - The registries do not identify youth with the highest likelihood of offending
  - A study that analyzed YLS risk assessment scores for people on the registry found that they have a lower likelihood of offending[v]
  - Another study's findings also directly challenges the predictive utility of juvenile sex offender registration[vi]

- Registration causes financial and psychological harms, and increases risk of youth being victimized
  - "With their identifying information made public, youth who are listed on registries become vulnerable to harassment, assault, and even sexual predation…"[vii]

> A study of 584 family members of registered sex offenders shows: significant financial and employment hardships as a result of registering, housing disruptions, due to residential buffer distances, experiencing threats from neighbors, a wide range of adverse consequences for children of registered sex offenders, including stigmatization and differential treatment by teachers and classmates[viii]

Instead of enacting more stringent registration requirements, Kansas should continue our policy reforms that recognize children and young adults are different from adults, and as such require specific responses to achieve the best outcomes for those involved in the juvenile justice system, and for the safety of the public. Kansas is improving our response to juvenile sex offending through the reforms enacted by the Legislature in 2016 and 2017. The Department awarded a statewide contract in the summer of 2016 to provide the Courts with access to post adjudication sex offender specific risk assessments and community-based treatment. By assessing risk, Courts can now provide a better individualized response and prioritize resources for those children and young adults who are at increased likelihood to reoffend.

Here are some examples of how other States are addressing the issue of sex offender registration.

- **Georgia:**
  - Sexual offenses adjudicated in juvenile court do not implicate registration requirements[ix]
- **Virginia:**
  - Juveniles adjudicated delinquent for sex offenses are not required to register. On a motion of the state's attorney, the court may find that registration is required.[x]
- **Kentucky:**
  - Juveniles adjudicated delinquent for sex offenses are not required to register.[xi]

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[i] Roper V. Simmons (2005); Graham v. Florida (2010); Miller v. Alabama (2012)
[ii] Caldwell and Dickinson (2009); Batastini, Hunt, Present-Koller and DeMatteo (2011)
[iii] Letourneau, Bandyopadhyay, Armstrong, and Sinha (2010)
[iv] Caldwell (2007); Letoureau and Caldwell (2013)
[v] Caldwell and Dickinson (2009)
[vi] Zimring et al. (2007)
[vii] NJJN (2014), citing Levenson and Tewksbury (2009)
[viii] Levenson and Tewksbury (2009)
[ix] O.C.G.A. § 42-1-12 (a)(9)(C)
[x] Va. Code Ann. § 9.1-902
[xi] KRS § 17.510