



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 3292		DATE: 2/23/2026
COMMITTEE: Corrections and Public Institutions		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: In-Person	SUBMIT DATE: 2/23/2026 11:45 PM
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I am in Support of this Bill on the premise with the Following Amendments. That this "Boot-Camp" is for only Juveniles 18 Years or younger and who have committed a Class-D Felony.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/23/2026 12:41 PM	

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Although framed as rehabilitative, the bill presents identifiable constitutional and federal statutory vulnerabilities. These risks are not speculative. They are foreseeable from the face of the statutory language.

The principal areas of concern are:

- Procedural Due Process deficiencies
- ADA and Rehabilitation Act exposure
- Eighth Amendment proportionality risk (as-applied)
- Separation of powers instability in rulemaking provisions
- Ambiguity in expungement mechanics

The following analysis distinguishes between policy concerns and constitutional exposure.

II. Mandatory Two-Year Confinement and Proportionality Risk

HB requires that eligible individuals serve two years in the program upon sentencing, regardless of:
 Severity of the third offense
 Individual sentencing factors
 Underlying statutory sentencing ranges
 The Eighth Amendment prohibits grossly disproportionate punishment.

See *Solem v. Helm*, 463 U.S. 277 (1983).
 See also *State v. Lee*, 841 S.W.2d 648 (Mo. banc 1992).

While nonviolent repeat offenses may justify incarceration, a mandatory fixed two-year term for potentially low-level offenses may invite as-applied proportionality challenges, particularly where the otherwise available sentence could be shorter or probationary.

This concern does not render the bill facially unconstitutional. It does, however, create predictable litigation exposure in edge cases.
 Classification: Legally vulnerable (as-applied).

III. Procedural Due Process – Failure Certification Mechanism

Section 557.530 allows the Department of Corrections to certify whether an individual has “satisfactorily completed” the program. An unsatisfactory report permits imposition of the remaining prison sentence.

The statute does not define:
Standards for satisfactory completion
Burden of proof
Evidentiary rules
Right to counsel
Scope of judicial review

Under the Fourteenth Amendment and Mo. Const. Art. I, §10, liberty may not be deprived without adequate procedural safeguards.

Wolff v. McDonnell, 418 U.S. 539 (1974), establishes minimum due process protections in prison disciplinary settings.

Mathews v. Eldridge, 424 U.S. 319 (1976), requires balancing of private liberty interest, risk of erroneous deprivation, and governmental interest.

If the DOC’s certification operates as a dispositive administrative determination without meaningful judicial review, courts may find constitutionally insufficient process before re-imposing incarceration.

This vulnerability is structural and remediable through statutory clarification.

IV. Americans with Disabilities Act (ADA) Exposure

Section 557.530(3) excludes individuals who “appear to be physically or mentally disabled” in a way that prevents strenuous physical activity.
State correctional facilities are public entities subject to Title II of the ADA.

See *Pennsylvania Dep’t of Corr. v. Yeskey*, 524 U.S. 206 (1998).

Title II prohibits exclusion from participation in public programs by reason of disability unless reasonable accommodation would fundamentally alter the program.

The current language appears to authorize categorical exclusion rather than individualized assessment with accommodation analysis. If participation is the only path to expungement eligibility, exclusion could constitute denial of a public benefit based solely on disability status.

This is not a theoretical risk. Similar correctional program exclusions have resulted in federal litigation nationwide.

Without express ADA-compliant accommodation language, this bill presents significant federal civil rights exposure.

Classification: High litigation risk under federal law.

V. Equal Protection – Age Restriction

The bill restricts eligibility to individuals under twenty-two years of age.

Age classifications are reviewed under rational basis scrutiny.

See *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307 (1976).

The state may articulate legitimate rehabilitative rationales based on neurological development science.

This provision is likely constitutional, but legislative findings articulating the rationale would strengthen defensibility.

VI. Rulemaking Nonseverability and Separation of Powers

Section 217.1250 conditions the validity of the entire rulemaking grant upon the constitutionality of legislative review powers under Chapter 536.

If any portion of the legislative review structure is invalidated, the statute declares that the grant of rulemaking authority and any adopted rules become void.

Missouri courts have addressed separation-of-powers conflicts in administrative oversight contexts.

See Missouri Coalition for the Environment v. Joint Committee on Administrative Rules, 948 S.W.2d 125 (Mo. banc 1997).

The nonseverability clause creates institutional instability. A collateral ruling affecting Chapter 536 could collapse program implementation entirely.

This is not unconstitutional per se, but it is structurally fragile drafting.

VII. Expungement Ambiguity

Section 557.530(7) provides that the offense “may be expunged” upon satisfactory completion.

Missouri expungement law is governed by structured procedures under §610.140 RSMo.

The bill does not specify:

Whether expungement is automatic

Whether petition procedures apply

Whether notice to victims is required

Whether waiting periods are waived

Ambiguity in expungement mechanisms risks inconsistent judicial interpretation and procedural challenges.

This is a drafting defect that should be clarified legislatively.

VIII. Distinction Between Policy and Constitutionality

It is important to distinguish:

Whether the bill reflects optimal correctional policy, and

Whether the bill survives constitutional scrutiny.

HB is not facially unconstitutional. However, it contains foreseeable vulnerabilities that increase the probability of:

ADA litigation

Procedural due process challenges

As-applied proportionality claims

These risks arise from identifiable statutory language choices, not from speculative hypotheticals.

Legislative Notice of Foreseeable Constitutional and Federal Statutory Exposure:

The General Assembly is hereby placed on formal notice that enactment of HB in its current form presents foreseeable and remediable litigation exposure



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WITNESS NAME: SUSAN RENEE CARTER		PHONE NUMBER:	
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Correction: I found typos that changed the meaning.

**JUVENILE BOOTCAMP TESTIMONY
 CORRECTIONS AND PUBLIC INSTITUTIONS
 FEBRUARY 23, 2026
 Susan Renee Carter
 Boone County Resident**

While scanning over new bills up for review, I noticed these bills on juvenile boot camps and wanted to express my concerns. I have almost 30 years of experience working with tweens and teens. I also served three years as a liaison to the Boone County Juvenile Office. During my time working with youth, I studied best practices in juvenile rehabilitation related to being involved with the legal system. When I saw Bills HB2171 by Terry and HB3292 by Costlow: Confinement in A Motivational Boot Camp, I went back and reviewed the research on juvenile boot camps and best practices.

First, let me say that boot camps don't accomplish what we think they will accomplish. Like many institutional approaches, they actually tend to reinforce the behaviors you are trying to eradicate. Likewise, we must remember that no matter what the minor has done, they are still children with the psychological and emotional development of a child. Children don't bypass those stages regardless of their actions. What does happen in military-style treatment, where the person experiences a "break-down-and-build-up" approach, is further psychological and emotional damage that has life-long effects on that child and the community. Many develop additional mental health issues, such as Post-Traumatic Stress Disorder (PTSD), anxiety, severe depression, and suicidal ideation. Many suffer trauma from being subjected to humiliation, public shaming, forced, intense, and, in some cases, sexual abuse, as well as being denied food, water, or bathroom use. Being subjected to an oppressive, controlled environment can cause a loss of identity and trust. For those whose behaviors were caused by existing histories of abuse or trauma, the harsh, restrictive environment often exacerbates pre-existing trauma.

Second, the "tough" methods used can result in serious and sometimes fatal injuries. Youths have been subjected to forced, extreme physical labor and, in some cases, have been chained or forced to sit in intense heat for hours in the sun. Numerous teenagers have died in these programs, often from dehydration, untreated medical conditions, or injuries sustained from excessive force by staff. Instead of reducing delinquency, boot camps can worsen the issues they were intended to fix. The

participants suffer long-term behavioral and social consequences and have higher recidivism, according to the evidence, than those in traditional juvenile facilities, which is a sad commentary considering the outcomes seen there. The reasons are that they are exposed to other youth with severe behavioral issues in an unregulated environment, which can lead to the adoption of new, more dangerous criminal behaviors; they suffer separation from family relationships that are already difficult and damaged; and they suffer further damage to developing trusting and healthy relationships with others, which leads to further stunted social skills development.

Last, a major factor in the damage is that many of these camps operate with minimal regulation and use untrained staff who lack knowledge in adolescent psychology, crisis intervention, and trauma-informed care.

So solutions that are evidence based that do work with juveniles are Multisystemic Therapy (MST), which is an intensive, family- and community-based treatment that addresses the multiple factors (family, peers, school) contributing to delinquent behavior; Functional Family Therapy (FFT), which is a short-term intervention focusing on improving family communication and problem-solving to reduce behavioral issues; Cognitive Behavioral Therapy (CBT), which helps youth recognize and change unhealthy thinking patterns that lead to impulsive or harmful actions; Diversion and Community-Based Alternatives, which keeps youth out of formal court systems and secure facilities whenever possible leads to better long-term outcomes; and Formal Diversion, which redirects low-risk youth to services like mentoring, tutoring, or mental health counseling instead of prosecution; Restorative Justice, which has programs where youth meet with those they have harmed to take responsibility and create a plan to repair the damage; and Credible Messenger Mentoring, which pairs youth with mentors who have similar "lived experience" in the justice system to provide intensive, relatable support. All of these programs require providers to be highly trained in adolescent psychology, crisis intervention, and trauma-informed care to be successful.

In closing, I vote no to Boot Camps. Remember, we train soldiers to kill people. Is that what you are trying to accomplish? Also, remember that a large number of soldiers develop PTSD and Combat Trauma, partially related to the training they receive. Let's help heal youth, rather than training them for further incarceration. It's a waste of human lives.

Research (There is much more than what I included that dates back more than 20 years ago.)

<https://repository.law.uic.edu/cgi/viewcontent.cgi?article=2940&context=lawreview>

[2] <https://www.redcliffascend.com/parent-guides/boot-camps-dont-work-heres-why/>

[3] <https://www.readsidebyside.com/hubfs/Blog%20and%20Unit%20Resources/Unit%20Resources/5th%20Grade/5.2%20Unit/5.2%20The%20Juvenile%20Boot%20Camp%20Debate%20Day%207.pdf?hsLang=en>

[4] <https://www.nytimes.com/topic/subject/youth-boot-camps>

[5] <https://info.mstservices.com/blog/treatment-programs-for-juveniles>

[6] <https://www.practicalrecovery.com/prblog/teen-boot-camps-treatment-torture/>

[7] https://www.youtube.com/watch?v=H9_ix0KXPaA

[8] <https://www.unh.edu/inquiryjournal/blog/2022/04/troubled-teen-industry-its-effects-oral-history>

[9] <https://www.bbc.com/news/world-us-canada-57442175>

[10] <https://www.tommyjameslaw.com/blog/2025/understanding-the-risks-of-juvenile-boot-camps/>

[11] <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=2940&context=lawreview>

[12] <https://www.theinjurylawyermd.com/prison-injuries/boot-camp-abuse/>

[13] <https://www.mhhlaw.net/five-essential-facts-about-the-troubled-teen-industry/>

[14] https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/reform2/ch2_g.html

[15] https://youthpolicylab.umich.edu/sites/ypl/files/2025-03/best-practice-research-juvenile-justice-policy-brief_2019.pdf

[16] <https://www.sentencingproject.org/reports/effective-alternatives-to-youth-incarceration/>

[17] https://justicelab.columbia.edu/sites/justicelab.columbia.edu/files/content/Community-Based_Alternatives_to_Incarceration_for_Youth.pdf

[18] <https://ojjdp.ojp.gov/taxonomy/term/trauma-informed-care#:~:text=Funding%20and%20Programs-,Overview,children%20are%20often%20more...>

[19] <https://www.apaf.org/our-programs/justice/free-resources/trauma-informed-juvenile-justice/#:~:text=Amplifying%20youth%20voices%20and%20empowering,to%20regulate%20the%20youth%27s%20emotions>



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