



HB 2073 Proponent Testimony – In-Person Oral

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**House Corrections and Juvenile Justice
Thursday, January 26, 2023 at 1:30 PM**

Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the American Civil Liberties Union of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in Kansas. Thank you for the opportunity to present testimony today.

The criminal legal system in our state imposes thousands of dollars of debt on youth—debt that has no positive impact on recidivism rates or public safety but has enormous negative impact on Kansas youth and their families. These costs come in the form of fines—wealth-based punishment—and fees—costs imposed specifically to fund the criminal legal system. This debt follows youth well into adulthood, impacting their future success and stability and, in some cases, pulling them further into the criminal legal system. HB 2073 would eliminate fines and fees in the juvenile justice system and discharge any outstanding fines and fees. The ACLU of Kansas strongly supports the swift passage of HB 2073 to give relief to Kansas kids and families and ensure that no future children are punished for their poverty or burdened with funding our court systems.

Criminal Legal Debt Undermines the Stated Purpose of the Juvenile Justice System

The assessment of fines and fees on youth runs directly opposed to the stated goals of the Kansas Juvenile Act, which are “to promote public safety, hold juvenile offenders accountable for their behavior and improve their ability to live more productively and responsibly in the community.”¹

Fines and Fees Do Not Increase Public Safety. There is no research to show that fines and fees are a deterrent to children or adults offending or in any way increase overall public safety. Instead, research has shown that fines and fees may increase the likelihood that a young person reoffends.² Fines and fees of this type therefore actually make our communities *less* safe. Additionally, criminal legal debt can lead to missed school or work due to additional court dates, extended terms of probation, loss of driving

¹ K.S.A. 8-2301

² <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-criminology-study.pdf>

privileges, and even incarceration. All of these things negatively impact a child's ability to reintegrate successfully and run counter to the stated goals of the juvenile system.

- **Children Should Not Pay for Government Functions.** Fees incurred during interaction with the system include everything from the cost of recurring drug and alcohol testing, renting ankle-monitors, court-appointed attorneys, and their own incarceration. In short, the state is requiring children, many too young to hold a job, to pay for the basic functions of the system.
- **Wealth-based Punishment is a Poverty Tax.** Fines are typically imposed without regard to their utility or an individual's ability to pay. This creates a deeply unequal system where people of means are able to “break the law without meaningful financial consequence”³ while low-income offenders are caught in a cycle of debt, incarceration, interest rates, falling credit scores, and poverty. In short, wealth-based punishment is only punishing those least likely to afford it. This is both fundamentally unfair and a rejection of the principles of liberty embedded in American law and our shared values.
- **Children of Color are Disproportionately Impacted.** People of color are disproportionately arrested, incarcerated, and charged fines and fees in the United States.⁴ That means that for no reason other than the color of their skin, youth of color are being saddled with more debt than their white peers. Eliminating fines and fees will not fix a broken system, but it will be one step toward giving youth of color a fighting chance in our criminal legal system.

These reasons and others have led to broad support of fines and fees elimination among the public and within the criminal legal system. A poll funded by the End Justice Fees Campaign, a collaboration of the Fines and Fees Justice Center, Americans for Prosperity, and the national ACLU found that 62% of voters support fines and fees elimination.⁵ Additionally, a broad base of judges, district attorneys, probation officials, youth correctional officers, and law enforcement leaders have called for fines and fees elimination.

Finally, as has been stated elsewhere, including Appendix A of this testimony, the fiscal impact of fines and fees elimination is minimal for the state, but the impact on individuals is staggering. We strongly encourage the swift movement of this bill out of committee so that justice can truly be served for children and their families.

³ <https://lawreview.uchicago.edu/publication/constitutionality-income-based-fines>

⁴ https://www.usccr.gov/files/pubs/2017/Statutory_Enforcement_Report2017.pdf
<https://www.sentencingproject.org/app/uploads/2022/08/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>

⁵ <https://finesandfeesjusticecenter.org/2022/10/06/national-campaign-to-eliminate-justice-system-fees-launches-today/>

Additional Resources

Judicial Support: National Council of Juvenile and Family Court Judges, *Resolution Addressing Fines, Fees, and Costs in Juvenile Courts*
https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII_FinesFeesCosts_Resolution.pdf

District Attorney Support: Fair and Just Prosecution, *Fines, Fees, and Poverty Penalty*
https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf

Probation and Parole Official Support: American Probation and Parole Association, *Use of Monetary Judgements for Justice Involved Individuals*
https://www.appa-net.org/eweb/Dynamicpage.aspx?webcode=IB_Resolution&wps_key=d7b47532-7ae7-4464-b8bb-d667fb2f3d10

Youth Correctional Leader Support: Youth Correctional Leaders for Justice, *Statement on Abolishing Youth Fines and Fees*
<https://yclj.org/fines-and-fees>

Law Enforcement Support: Law Enforcement Leaders to Reduce Crime and Incarceration, *Ensuring Justice and Public Safety*
https://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf

Appendix A – Fiscal analysis of juvenile fines and fees elimination

Appendix B – Sign on letter from national conservative organizations