

Legislative Testimony

In **Support** of SB416
Senate Committee on Judiciary
March 13th, 2024

Dear Chairman Warren and Members of the Committee,

My name is Rashane Hamby, and I serve as the Director of Policy and Research at the American Civil Liberties Union of Kansas. I am here on behalf of a nonpartisan, nonprofit organization committed to safeguarding the civil liberties of everyone in Kansas. I appreciate the opportunity to provide testimony today.

In our state, the criminal legal system burdens young people with thousands of dollars in debt—a debt that fails to reduce recidivism rates or enhance public safety, yet has a profound negative impact on Kansas youth and their families. This financial burden stems from fines, which are penalties tied to wealth, and fees, which are costs levied specifically to support the criminal legal system. Such debt hampers youth as they transition into adulthood, affecting their prospects for success and stability. In some instances, it even draws them deeper into the criminal legal system. SB416 proposes the elimination of fines and fees within the juvenile justice system and the cancellation of any outstanding balances. We endorse SB416 and advocate for its prompt passing. By doing so, legislators will lighten the load on Kansas's children and families, ensuring that no future generations are penalized for their economic status or tasked with the financial upkeep of our judicial systems

The criminal legal system in our state imposes thousands of dollars of debt on youth. The imposition of criminal legal debt contradicts the very objectives of the Kansas Juvenile Justice System. Charging fines and fees to young individuals directly undermines the system's declared goals: to enhance public safety, hold juvenile offenders accountable for their actions, and better their capacity to live responsibly and productively within the community.”¹

Fines and Fees Do Not Increase Public Safety. There is a lack of evidence to suggest that fines and fees deter criminal behavior among children or adults, or that they contribute to an increase in overall public safety. On the contrary, research indicates that fines and fees may actually heighten the probability of a young individual committing further offenses.² Therefore, fines and fees of this nature can paradoxically reduce the safety of our communities. Moreover, the burden of criminal legal debt can cause individuals to miss school or work because of subsequent court appearances, prolong terms of probation, result in the loss of driving privileges, and even lead to incarceration. These consequences detrimentally affect a child's prospects for successful reintegration and are in direct conflict with the declared objectives of the juvenile justice system.

¹ 1 K.S.A. 8-2301

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

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Children Should Not Pay for Government Functions. Fees accumulated during interactions with the system encompass a wide range of costs, including recurring drug and alcohol tests, rental of ankle monitors, court-appointed attorneys, and even the costs associated with their own incarceration. Essentially, the state mandates that children, many of whom are too young to be employed, bear the financial burden for the fundamental operations 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 factors, among others, have catalyzed widespread endorsement for the abolition of fines and fees across the general public and within the criminal legal system itself. A survey financed by the End Justice Fees Campaign—a partnership among the Fines and Fees Justice Center, Americans for Prosperity, and the national ACLU—revealed that 62% of voters are in favor of eliminating fines and fees.^{5 6} Moreover, a diverse group of stakeholders, including judges, district attorneys, probation officers, youth correctional officers, and law enforcement leaders, have advocated for the eradication of fines and fees.

In conclusion, the overwhelming evidence and broad consensus among various stakeholders underscore the urgent need for the elimination of fines and fees in the juvenile justice system.

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

⁴ https://www.usccr.gov/files/pubs/2017/Statutory_Enforcement_Report2017.pdf

⁵ <https://www.sentencingproject.org/app/uploads/2022/08/Racial-Disparities-in-Youth-Commitments-andArrests.pdf>

⁶ <https://finesandfeesjusticecenter.org/2022/10/06/national-campaign-to-eliminate-justice-system-fees-launchestoday/>

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These financial penalties not only fail to serve their intended purpose of deterring crime but also exacerbate inequalities and hinder the successful reintegration of young people into society. The significant support from the public, as demonstrated by polls, along with the advocacy from within the criminal legal system itself, signals a clear mandate for change. By eliminating fines and fees, we can take a significant step toward a more equitable, effective, and compassionate justice system that truly serves the interests of public safety and youth rehabilitation. This approach not only aligns with our moral obligations to protect the most vulnerable but also with practical imperatives to reduce recidivism and foster healthier, safer communities. The passage of legislation such as SB 416 is not just a legislative action; it is a moral imperative to lift the unjust financial burden off the shoulders of our youth and their families, thereby paving the way for a more just and equitable society.

Thank you.

Rashane Hamby
Director of Policy and Research