



**Proponent Testimony for HB 2557 – Prohibiting denial of expungement due to unpaid fines and fees**  
**Aileen Berquist, Community Engagement Manager,**  
**American Civil Liberties Union of Kansas**  
**House Judiciary Committee**  
**Monday, February 7, 2022, 3:30 PM – 582-N**

Committee Chairs and Members of the Committee,

Thank you for the opportunity to present testimony today. My name is Aileen Berquist. I am the Community Engagement Manager and lobbyist for the ACLU 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.

The ACLU of Kansas supports HB 2557, prohibiting the denial of expungement due to a juvenile’s inability to pay fines and fees. Involvement in the criminal legal system can lead to thousands of dollars in debt. For adults, this is a heavy burden—for young people it is an insurmountable barrier that follows them well into adulthood.<sup>1</sup> Allowing expungement despite inability to pay is one very important step toward making sure the mistakes people make as kids don’t follow them for the rest of their lives.

A criminal record limits your ability to engage in life fully and productively. Even an arrest without conviction has an impact. Though more protected than adult records, juvenile records can still show up on background checks, impacting employment and college admissions. This sets up a lifelong continuation of punishment after the official terms of their sentence have been completed.<sup>2</sup>

Consistent employment, access to education, secure housing—these are all critical factors to improve post-conviction success. Expungement is an opportunity to truly put your past behind you. And expungement has no negative impact on public safety—people who received expungements had a very low subsequent crime rate, one comparable with the general population.<sup>3</sup>

Our constitution guarantees equal treatment under the law. Blocking some people from remedies like expungement because of their financial means is the definition of unequal treatment. Allowing petitioners to qualify for expungement regardless of their inability to court pay is the right decision.

However, we ask that this bill be amended to increase its positive impact on two fronts: striking the “unwillingness to pay” language and removing all additional fees in this document associated with applying for or receiving expungement. Adding additional costs onto a process that is specifically created for people without the ability to pay their existing criminal legal debt is counterintuitive. Additionally, “unwillingness to pay” is rife for subjective interpretation that opens the window for overt bias.

---

<sup>1</sup> <https://jlc.org/juveniles-justice/juvenile-justice-fines-fees>

<sup>2</sup> <https://njdc.info/wp-content/uploads/Myths-and-Facts-About-the-Impacts-of-Juvenile-Court.pdf>

<sup>3</sup> <https://repository.law.umich.edu/articles/2165/>

We ask that this bill move out of this committee with the removal of additional fines and fees and any language about “unwillingness to pay.” Thank you for the opportunity to provide testimony today.