



TESTIMONY OF
VIGNESH GANAPATHY
POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS
IN **OPPOSITION TO HB 2453**
KANSAS HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

JANUARY 25, 2018

- WRITTEN TESTIMONY ONLY -

Thank you, Chair Jennings, and members of the Corrections and Juvenile Justice Committee for affording us the opportunity to provide testimony on HB 2453.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas opposes HB 2453. This bill would assess a fee on intermediate intervention programs for juvenile defendants, and use the proceeds to fund development and operation of such programs. Whereas intermediate intervention programs are incredibly effective, passing on fees to juvenile defendants increases recidivism and causes the poor to face harsher treatment than others who commit identical crimes and can afford to pay. Specifically, the ACLU of Kansas opposes HB 2453 because:

- **Fees are an ineffective method of funding juvenile justice and threaten public safety.** Many families either go into debt trying to pay these costs or must choose between paying for basic necessities, like groceries, and paying court costs and fees.ⁱ The bill language indicates that indigent defendants will be able to pay either a portion of the fees assessed, or have it docked from community service activities. However, even if fees are reduced, families may have to make difficult decisions on whether to pay them or to meet their basic economic needs. If a court puts a defendant on a payment plan, a court may tack on additional fees and penalties for missed payments or may charge interest. Additionally, many community service activities require day charges, which can be a barrier to entry. As a result, defendants who struggle to pay these fees still face a much higher likelihood of violating the terms of their programs or probation, and jail time.ⁱⁱ Research shows that costs and fees actually increase recidivism and exacerbate economic and racial disparities in the juvenile justice system.ⁱⁱⁱ Fees accordingly make our communities less safe. A 2017 report by the National Center for State Courts found that most states do not have systems in place to evaluate a family's ability to pay fees or to waive those fees when appropriate.^{iv} Furthermore, the Juvenile Law Center has found that excessive juvenile justice fees in Kansas have resulted in cases remaining open longer than they otherwise would, youth

remained in placement longer than they otherwise would, increased family debt, and additional court visits resulting in missed school or work.^v This is why many states, including Wisconsin, Utah and Illinois, have elected to fund intermediate intervention programs directly and reduce fees assessed on juveniles. Johnson County is among the handful of jurisdictions that have scaled back juvenile fees and fines in the past year following Senate Bill 367 (2016), but this legislation threatens to undo that progress.^{vi}

Therefore, we urge this committee to oppose HB 2453.

ⁱ Joseph Shapiro, *As Court Fees Rise, The Poor Are Paying The Price*, NPR's All Things Considered (May 19, 2014), <https://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>.

ⁱⁱ See, e.g., Alex R. Piquero and Wesley G. Jennings, *Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders Youth Violence and Juvenile Justice* (2016).

ⁱⁱⁱ *Racial Disparities in Youth Commitments and Arrests*, The Sentencing Project (Apr. 2016), <https://www.sentencingproject.org/wp-content/uploads/2016/04/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>.

^{iv} *Trends in State Courts: Fines, Fees, and Bail Practices: Challenges and Opportunities*, National Center for State Courts (2017), <http://www.ncsc.org/~media/Microsites/Files/Trends%202017/Problem-with-Making-Children-Pay-Trends-2017.ashx>.

^v *Debtors' Prisons for Kids*, Juvenile Law Center (2016), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>.

^{vi} Teresa Wiltz, *Movement Against Juvenile Court Fees Runs Into Resistance*, Pew Charitable Trusts: Stateline (Jan. 17, 2018), <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/01/17/movement-against-juvenile-court-fees-runs-into-resistance>.