



INSTITUTE FOR JUSTICE

Testimony in Support of HB 2073—the Debt Free Justice for Youth Act
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House Committee on Corrections and Juvenile Justice
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Dear Chair Owens and Members of the Committee:

Thank you for the opportunity to submit written testimony. The State of Kansas and the members of this Committee are to be commended for considering this bill to repeal youth fines and fees. I am an attorney with the Institute for Justice and submit this testimony in support of HB 2073. States around the country are ending the practice of collecting youth fines and fees and Kansas should join their ranks.

The Institute for Justice (IJ) is a nonprofit public interest law firm. Since its inception in 1991, IJ has worked to protect private property rights. This includes the right to be free from excessive fines and fees. To further this goal, IJ has litigated and supported legislation to end unreasonable fines and fees. For example, in 2018, IJ won the landmark case, *Timbs v. State of Indiana*, 139 S. Ct. 682 (2019), in which the U.S. Supreme Court ruled that the Eighth Amendment’s protection against excessive fines is incorporated against the states.

IJ is also interested in ensuring that government doesn’t abuse the natural profit incentive associated with fines and fees. Fines and fees should not be used as a blank check to increase government budgets without raising taxes.

I’d like to make two points. First, eliminating youth justice fines and fees aligns with the goals of the juvenile justice system and second, simple economics support ending youth fines and fees.

First, imposing youth fines and fees thwarts the goal of the juvenile justice system. The purpose of the juvenile justice system is to rehabilitate youth and set them up for success as adults, but burdening youth with debt can make reaching that goal difficult or impossible.

Youth fines and fees are an outsized and regressive punishment. Youth don’t have a way to pay debt. We don’t expect children to pay bills and have jobs, yet the juvenile justice system blindly saddles them with debt.

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What options, then, do youth have? Some ask their families to pay their court debt. Many system-involved youth, however, come from working families of limited means. Their families are often unable to pay the court debt. Families often want to help pay their children's court debt, but can't or are forced to choose between paying rent or other bills or court debt. This dynamic has been shown to lead to stress and tension at home. Arguably, the juvenile justice system should take actions that promote stable family relationships instead of creating tension or resentment at home. Alternatively, young people of a certain age can drop out of school to start working to pay down debt. But the juvenile justice system should encourage youth to focus on their education, instead of focusing on the short-sighted goal of paying down court debt.

In reality, research shows that many youth burdened with court debt will return to crime in an attempt to pay it down. Imposing fines and fees does not stop crime. Just the opposite, it increases recidivism.¹ And youth who are unable to pay their fines and fees are more likely to end up incarcerated. This raises public safety concerns and defeats the goal of rehabilitation. By imposing youth fines and fees, we are often setting youth up for failure.

Fines and fees have other long-term consequences. Youths with outstanding court debt remain involved in the system longer because their cases are kept open longer solely for missed payments. In Kansas, failure to pay can result in jail time, extended probation, or a civil judgment that ruins one's credit. This further prevents the youth from becoming productive adults. They may be unable to get student loans, car loans, jobs, or housing based on unpaid court debt. Again, instead of setting youth up for future success, fines and fees trap them in a never-ending debt cycle that follows them throughout their lives.

Second, the economics of youth fines and fees support repeal. Court debt is expensive for government to manage and collect. Although Kansas doesn't track the cost of collecting youth fines and fees, states that do track this often find that they spend almost as much as they bring in.² That's bad policy. Especially when Kansas collected only \$539,000 in youth fines and fees in 2020 and that number has been decreasing steadily since 2016. This amount isn't significant to the state, but the individual assessments can be devastating to the youth that owe the debt.

Around the country there is strong bipartisan support for eliminating youth fines and fees. Kansas should join Oklahoma, Louisiana, Texas, and thirteen other states that have already done so. Being poor is not a crime, yet the justice system treats the poor worse every step of the way. Eliminating youth fines and fees is one way to begin leveling the playing field.

I urge the members of the Committee to support HB 2073 and end youth fines and fees. Thank you for considering this testimony.

¹ See Alex R. Piquero and Wesley G. Jennings, *Research Note: System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, *Youth Violence and Juvenile Justice* 1–16 (2016).

² See, e.g., Brennan Center for Justice, *The Steep Costs of Criminal Justice Fees and Fines* (Nov. 21, 2019). Available at <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.