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Testimony in Support of SB 416
Senate Committee on Judiciary

Good morning Chair Warren, Vice Chair Wilborn, Ranking Member Corson, and Members of the Senate Committee on Judiciary. My name is Mike Fonkert and I am Deputy Director at the Kansas Appleseed Center for Law and Justice.

Thank you for the opportunity to provide this testimony. I am testifying in support of Senate Bill 416, which would prohibit fines and fees from being assessed against a justice-involved youth or their parent, guardian, or custodian in youth justice cases.

Kansas Appleseed has a long history of unwavering commitment to advocating for the rights and well-being of children, including ending punitive youth justice practices in the state. Despite the revised youth justice code, there are still parts of the youth justice system that are failing the kids it promises to help. SB 416 is an important and vital step in building a youth justice system in the state that is effective and achieves its rehabilitative goals.

The revised Kansas juvenile justice code establishes that the primary goals for the code include promoting public safety and improving the ability of youth to live more productively and responsibly in the community.¹ The elimination of fines and fees is an effective way of accomplishing these goals. Research shows that financial penalties actually increase the likelihood of recidivism among youth.² For example, a study in Florida found that every young person who comes into contact with the courts regardless of their guilt or innocence faces fees. Once saddled with fees that many cannot pay, the study found that kids with fees are more likely to reoffend than those without. In fact, 13% of kids in the study reported resorting to criminal activity in order to get money to pay their fees.³ The research is clear. Fines and fees for youth is counterproductive to promoting restorative justice and is causing harm to children and their communities.

Not only are fines and fees levied against justice-involved youth harmful and counterproductive, but the cost of collecting them often outweighs any revenue they generate.⁴ Records provided by the Kansas Office of Judicial Administration (KOJA) to the Kansas Debt Free Justice coalition

¹ K.S.A. 38-2301(a).

² Piquero, A. & Jennings, W. "Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders." *Youth Violence and Juvenile Justice*. 2016.
<https://journals.sagepub.com/doi/abs/10.1177/1541204016669213>

³ Piquero, A. R., Baglivio, M. T., and Wolff, K. T. "A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race and Ethnicity." 2023.

https://finesandfeesjusticecenter.org/content/uploads/2023/02/Piquero_et_al_Florida-juvenile-fees-study.pdf

⁴ "Youth Fines and Fees in Kansas." 2023. www.debtfreejusticeks.org ; see also Jeffrey Selbin et. al. "High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California." 2016.
https://lawcat.berkeley.edu/record/1127714/files/High_Pain_No_Gain.pdf



show that total court revenue from juvenile fees and fines in Kansas was under \$540,000 in 2020 and had decreased steadily since 2016. Research shows the administrative costs of collecting these fines and fees are quite high - sometimes requiring more spending on collection efforts than is actually generated in collection revenue.⁵ KOJA records also show that several Kansas counties have reported collections in the same category of fines and fees that have no outstanding amounts due, suggesting that collection times are lengthy and inefficient.

While fines and fees do not raise that much revenue for the state, they do impose a significant burden on Kansas families. Fines and fees are imposed on youth at every stage of their interaction with the youth justice system, including: accessing courts, accessing defense counsel, docket fees, intervention program fees, law enforcement processing fees, testing fees, court-ordered custody and service fees. A simple juvenile misdemeanor conviction for vandalism would typically result in fines and fees of over \$1,000 dollars by the time the docket fee, Supreme Court fee, public defender fee, booking fee, KBI fee, lab fee, and probation supervision fees are added on to the original fine.⁶ These fines and fees can turn into multi-year struggles as they multiply with collection fees over time for those without the means to pay. A recent study found that kids and families who can't pay fines and fees, reported not paying essential bills in order to pay their court bills.⁷ A low-income family should not face a different system of justice in Kansas.

Fines and fees are imposed in a racially disparate manner. A stage analysis of the youth justice system using data from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) found that Black youth were 4.5 times more likely than White youth to be arrested and 20% more likely to be adjudicated delinquent in Kansas.⁸ As a result, any fines or fees imposed are going to disproportionately impact Black youth. Again, families in Kansas should not be facing a different justice system than their peers based solely on income or race.

Fines and fees simply do not work. They run contrary to the stated goals of public safety and rehabilitation enshrined in Kansas law by increasing the likelihood of youth reoffending. They inefficiently generate limited and diminishing revenue for the state while imposing significant burdens on low-income Kansans and make existing disparities worse. If we truly want to

⁵ Menendez, M. & Eisen, L. "The Steep Costs of Criminal Justice Fees and Fines." Brennan Center for Justice. 2019. <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines> and Shapiro, L. "The Crippling Costs of the Juvenile Justice System: A Legal and Policy Argument for Eliminating Fines and Fees for Youth Offenders." Emory Law Journal. 2020.

<https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1398&context=eli>

⁶ Kansas Appleseed review of state and other jurisdiction statutes. 2023.

⁷ Piquero, A. R., Baglivio, M. T., and Wolff, K. T. "A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race and Ethnicity." 2023.

https://finesandfeesjusticecenter.org/content/uploads/2023/02/Piquero_et_al_Florida-juvenile-fees-study.pdf

⁸ Kansans United for Youth Justice. "Racial Disparities in the Kansas Juvenile Justice System." 2019.

https://www.kuyj.org/uploads/2/1/9/2/21929892/racial_disparities_in_the_kansas_juvenile_justice_system_2019.pdf (Kansas Appleseed is the founding member of the Kansans United for Youth Justice coalition and responsible for this report).



increase accountability in the system, we should follow what the data and research shows about the effectiveness of restorative justice practices in achieving true accountability and building empathy.

Eliminating fines and fees for justice-involved youth is a real solution that has been supported in this legislature and around the country. Last year, a bill to eliminate fines and fees for justice-involved youth had bipartisan support. Meanwhile, nationwide, a growing number of states have enacted reforms to curtail the use of fines and fees. Sixteen states have passed statewide fee or fine elimination bills since 2015, including Louisiana, Texas, Colorado, Montana, New Mexico, Virginia, and Oregon.⁹

I urge you to listen to the bipartisan support in this statehouse and your colleagues in other states who have seen the ineffectiveness and counterproductive results of youth fines and fees and vote in favor of SB 416. In doing so, you will be keeping a promise to Kansas kids that a mistake they make as a child will not set them up for a lifetime of failure, but instead will get them the support they need to thrive as adults. Thank you for your time.

⁹ The Debt Free Justice Campaign. State Activity. 2024. <https://debtfreejustice.org/state-activity>