



**29<sup>TH</sup> JUDICIAL DISTRICT OF KANSAS**

March 12, 2024

The Honorable Kellie Warren, Chairperson  
House Committee on Judiciary

Hearing Date:

**TESTIMONY OF WYANDOTTE COUNTY DISTRICT ATTORNEY MARK A.  
DUPREE, SR. REGARDING SENATE BILL 416**

Chairman Warren, Vice Chair Rick Wilborn, Ranking Member Ethan Corson, Members of the Committee and staff:

I am the duly elected and serving District Attorney of Wyandotte County. I campaigned on the promise that I and my administration would not just prosecute cases, but that we would seek justice for victims of crimes and justice for the community at large. The spirit of the juvenile justice code in Kansas is one of rehabilitation. It is meant to be a non-adversarial system that focuses on not punishing juvenile offenders, but on re-directing them on a path to be successful in life. The hope is to provide juvenile offenders with the help, the structure, and the tools to become contributing members of society. Restitution is reimbursing the victim monetarily for the loss they have suffered. It is an attempt to make them whole, as much as possible. As part of their rehabilitation, juveniles should be ordered to pay restitution to their victims. Restitution is different than standard court costs and fees. Ordering costs and fees that go towards the court or the State and not the victim is the court trying to subsist off the backs of the juveniles and their families. It is then counter-intuitive, and certainly counter-productive to burden the juveniles and/or their families with financial hardships that can cause the exact opposite outcomes we are hoping to achieve.

Fines and fees can be destructive, ensnaring juveniles in the system and setting them up for failure. Monetary penalties increase the likelihood that youth will reoffend. Young people who can't pay end up on probation for longer periods of time, face additional court dates, and struggle to obtain a driver's license. When they reach adulthood, face possible wage garnishment and bankruptcies that make it very difficult to take out student loans, harms their credit score, or simply building up enough savings to pay for a place to live.

Financial obligations further compound the juvenile justice system's existing economic and racial disparities. Juveniles who live in poverty or are of color statistically are overrepresented at each level of the juvenile justice system, exacerbating already existing disparities. Youth in poverty face harsher consequences than their affluent peers simply because they cannot so easily pay the money owed. Poorer youth are more likely to be charged with violations of probation for

failure to pay costs. Due to an inability to pay money owed, the poorer youth may not be able to get their juvenile record expunged. These potential consequences increase the already existing inequalities in the juvenile justice system.

Recent research suggests that fines and fees on youth offenders may increase the likelihood of youth recidivism. One study found that the likelihood of recidivism increased with the increase of financial burden on the youth and the increase of money owed at the termination of their probation. This recent study also found that families of color were almost twice as likely as white families to have fine and fee debt upon their child's case closing. The most rigorous study to date concludes that fines and fees significantly increase the possibility of juvenile recidivism.

Financial burdens on juvenile offenders impose significant hardships on families in the juvenile justice system who cannot afford to pay them. Further, these fines and fees may require families to choose between paying for necessities and paying the court, they weaken ties between juveniles and their families by adding stress, and they undermine family reunification. Research also shows that charging juvenile administrative fees weakens family relationships. Many families already have challenging relationships due to their child's involvement in the juvenile justice system, and adding a financial burden can amplify feelings of anger or resentment.

Assigning costs and fees to juvenile offenders place undue burdens on the short-term and long-term success of the juveniles. It increases the likelihood of recidivism. It places undue strain on family dynamics and can force families of lesser means to make choices that endanger the well-being of the juvenile or their families. The effects of costs and fees runs counter to the spirit of rehabilitation that is supposed to be the goal of the juvenile justice code, and it flies in the face of Justice itself. I would ask that you join me in supporting Senate Bill 416.

Be blessed,

Mark A. Dupree, Sr.