

March 8, 2024

Testimony on SB 416 Submitted to Senate Judiciary

By Juvenile Justice Oversight Committee of Kansas

The Juvenile Justice Oversight Committee (JJOC) is established in K.S.A. 75-52,161 and tasked with several items related to juvenile justice reform, to include guiding and evaluating the implementation of the changes in law. The JJOC appreciates the opportunity to offer a perspective on the proposed changes in Senate Bill 416.

The JJOC Legislative Subcommittee and the JJOC Chair – offer neutral testimony on SB 416.

The JJOC appreciates the opportunity to provide information regarding SB 416, which addresses prohibiting fines and fees against juvenile cases. The JJOC is committed to data driven, evidence-based policies that increase public safety and hold youth accountable. Research tells us fines and fees for youth do not increase public safety or are effective in holding youth accountable. There is little evidence that fees and fines deter youth from engaging in criminal activity, which should be the primary goal of our juvenile justice system. In the case of youth, the financial burden often falls on families, therefore youth do not get the impact that some would expect. In the alternative, the burden stays with youth beyond the term of supervision, causing additional undue hardship. Over the years, we have heard situations where the financial burden only created additional challenges that prevented youth from rehabilitation and becoming a productive member of their communities. In some cases, increasing or initiating a cycle of poverty, only increasing the risk of re-offending. It is agreed that Kansas should take proactive steps to alleviate unnecessary and ineffective fines and fees.

While we acknowledge there are valid reasons to pursue this initiative and commend the legislative body for taking proactive steps to address issues within the juvenile justice system, members hold reservations concerning the complete elimination of all costs associated with juvenile cases. The JJOC is comprised of 21 different professions, viewpoints, and perspectives. It was the general consensus of many members that statewide, this may not be as significant of a concern in Kansas in contrast to other states, since the implementation of SB 367 in Kansas. Whereas multiple Kansas practitioners noted that many of the fines and fees that are highlighted in this legislation, are routinely waived or language proposed is already in practice. Members do agree that there are multiple opportunities in the juvenile justice system to eliminate unnecessary fines and fees, but a broad approach might be too drastic. The Juvenile system is established in a way that the services beyond basic supervision are paid for by the youth who utilize those services. If, for example, the cost of substance abuse treatment was not paid for by the youth, then what will be the new funding source? Whereas, if no funding source is provided, there is concern that those service providers may no longer provide a much-needed service. The concern is that eliminating the status quo without creating an alternative, would have unintended consequences.

In regard to SB 416 we offer the following:

- **Little evidence to show fines and fees are effective.** Alternatively, there are many studies that show fines and fees lead to significant consequences in the rehabilitation of youth and negatively affect the family. Risk to re-offend increases when there is a lack of financial stability and a struggle to meet one's basic needs, forcing a difficult decision to pay fines or pay utilities. Fines and fees often prevent youth and families from overcoming those risk factors. Little evidence shows that fines and fees work as an effective deterrence to commit crimes. Legislation should focus on evidenced based practices in order to make smart, worthwhile legislation.
- **The legislation as drafted is overly broad and in practice, there are opportunities already in place to waive fines and fees.** JJOC Members point out that there are many opportunities that are in place that allow for fines and fees to be waived and are utilized frequently. In some areas, it is more common that court fees and fines are waived than assessed to a juvenile. It would be beneficial to determine a ratio of fines and fees that are waived versus assessed while also exploring specific fines and fees that can be eliminated. JJOC would look forward to assisting in making determinations for future legislation or potential amendments to this legislation.
- **Concerns about who will pay providers of services.** JJOC recommends keeping costs for services or create a funding source for the price of those services. Programs and services are a foundation of evidenced based practices, should this bill limit the use of those programs and services, it would cause concern of the unintended consequences the action of this bill. Eliminating a funding stream, should not be done without identifying an alternative funding stream. In a vacuum of funding, it's possible programs will simply no longer be available as they will not be able to provide services at no cost. Additionally, some of those fees are used for operations costs or special projects outside the normal budget.
- **SB 367 and case law eliminated many restrictions (such as detention and case extensions) for juveniles based solely on fines and fees.** This legislation determines that a juvenile, parent or guardian cannot be detained for the sole reason of fines and fees. This is already established in Kansas.
- **Fines and Fees can often be used as motivation for youth to get into and complete programs.** Youth are often offered incentives to complete programs and abide by supervision conditions. Removing fees for programs and supervision would eliminate that tool of supervision.

JJOC looks forward to being a part of the policy-making process and to fulfilling our statutory charge.

Sincerely,

Legislative Subcommittee Chair, Lara Blake Bors
Juvnile Justice Oversight Committee