

TESTIMONY OF MIKE FONKERT  
JUST CAMPAIGN DIRECTOR  
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE

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HOUSE COMMITTEE ON JUDICIARY  
**IN SUPPORT OF HB 2557**  
FEBRUARY 7, 2022

Members of the House Committee on Judiciary:

My name is Mike Fonkert; I am a Campaign Director for Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

**Kansas Appleseed supports HB 2557.** This bill expands access to expungements for Kansas youth who are unable to pay fines or fees and to those youth who have not been convicted of a felony or otherwise adjudicated a juvenile felon in the past two years. This will help to improve the economic and societal opportunities for young Kansas looking to lead lives as productive citizens while reducing the collateral consequences they may face because of a juvenile record.

Expungement is the legal process of removing minor crimes and misdemeanors from one's permanent record, which is done for cases where the likelihood of recurrence is minimal. The current process of expungement requires a petition to the court and fees of up to \$195 (a \$176 docket fee and an additional charge of \$19 imposed by the court), in addition to any other unpaid costs, fines, fees, or restitution a person may owe. Currently, only a small percentage of those eligible actually obtain expungements, in part due to the financial barriers that stand between a person and a clean record.

Kansas youth with juvenile records frequently face collateral consequences beyond whatever penalties and costs are imposed by the courts. A host of research shows that these collateral consequences can include trouble accessing student loans, finding and keeping employment, access to adequate housing, or even serving in the military.<sup>1</sup>

**Kansas Appleseed is recommending amendments to HB 2557.** First, regarding the inclusion of the following language on lines 24-27 of page 3: "The petitioner's unwillingness, rather than

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<sup>1</sup> Coleman, A. "Expunging Juvenile Records: Misconceptions, Collateral Consequences, and Emerging Practices." U.S. Department of Justice. 2020. <https://ojjdp.ojp.gov/publications/expunging-juvenile-records.pdf>

inability, to pay such costs, fees, fines or restitution may be considered as a factor in denying the petition for expungement.” This language is redundant, unnecessary, and could lead to different outcomes for similar petitioners based on race, geography, or other factors. The Kansans United for Youth Justice coalition conducted a stage analysis of the juvenile system and found that Black youth were 4.5 times more likely than White youth to be arrested.<sup>2</sup> The language around an “unwillingness” to pay creates another opportunity for racial bias to infect the youth justice system.

Kansas Appleseed also recommends that juveniles petitioning the court for expungement through this statute be exempted from the \$176 docket fee and the additional \$19 charge typically assessed to petitioners. It is our belief that a young person that finds themselves in the position to have their record expunged has demonstrated positive behaviors and is on the path to a productive future. The State could and should acknowledge that successful progress through the waiving of those fees.

In conclusion, this bill addresses a significant barrier faced by many youth who are trying to move forward and thrive as productive and engaged Kansas citizens. Expungements are an effective means of reducing the collateral consequences youth often face. With the two recommended amendments, Kansas Appleseed supports the passage of HB 2557.

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<sup>2</sup> 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](https://www.kuyj.org/uploads/2/1/9/2/21929892/racial_disparities_in_the_kansas_juvenile_justice_system_2019.pdf)