



1212 New York Ave. N.W.,
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:

Jesse Kelley, Government Affairs Manager, Criminal Justice & Civil Liberties, R Street Institute

In SUPPORT of HB 36, “AN ACT concerning Juvenile Proceedings – Fines, Fees, and Costs.”

January 16, 2019

House Judiciary Committee

Chairman and members of the committee,

My name is Jesse Kelley, and I am the government affairs manager for the Criminal Justice & Civil Liberties policy team at the R Street Institute—a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including juvenile justice reform, which is why HB 36 is of special interest to us.

As you know, the bill aims to repeal provisions that authorize the juvenile court to impose civil fines or court costs, assess attorney’s fees and order a parent to pay a sum to support a child. Furthermore, the bill would make unenforceable any outstanding court-ordered fines, fees or costs previously assessed to youth and their families.

Many states recognize that justice-involved young people face distinct challenges and that financial assessments in the form of fines and fees often cause lasting harm. Therefore, many jurisdictions are eliminating fines and fees for juveniles.¹ Indeed, some localities in Maryland have limited or ended their practice of assessing fines and fees. We believe this should be a statewide practice.

These assessments place stress on family units without a tangible revenue-generating benefit to the state. Parents of children who are convicted of crimes sometimes face a choice between paying a fine or buying groceries, rendering the element of criminal responsibility, which fines and fees are intended to impose, misplaced. And while families struggle to pay fines and fees, the government is no better off. Indeed, local governments may spend as much money—sometimes more—in their efforts to collect the outstanding debt as they would gain in revenue from the fines and fees being paid in full.²

¹ National Juvenile Defender Center, “Ensuring Young People Are Not Criminalized for Poverty: Bail, Fees, Fines, Costs, and Restitution in Juvenile Court,” April 2018. https://njdc.info/wp-content/uploads/2018/04/Bail-Fines-and-Fees-Bench-Card_Final.pdf

² Jessica Feierman and Nadia Mozaffar, “Md. bills would eliminate burdensome juvenile justice fines and fees,” *The Baltimore Sun*, Feb. 20, 2019. <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0221-juvenile-fines-20190220-story.html>.

Eliminating these costs would strengthen families when they most need it—during times of upheaval. Familial support after an experience with the justice system can make a positive difference in outcomes for youth. Indeed, research has shown that when justice-involved individuals have stronger family relationships, they are less likely to reoffend.³

To be clear, ending the practice of assessing fines and fees for youth statewide would not prevent the court from holding young people responsible for damages via the assessment of restitution. Restitution is distinct, because the cost of damages that occurred due to the commission of a crime are determinable.

The bottom line is that Maryland should not continue the practice of assessing fines and fees in juvenile cases. It burdens families unnecessarily and does not substantially add to the state's coffers. We believe HB 36 will help make the juvenile justice system more equitable while maintaining its goals of rehabilitation and responsibility.

Thank you for your time.

Jesse Kelley, Esq.
Government Affairs Manager
Criminal Justice & Civil Liberties
R Street Institute
jkelly@rstreet.org

³ Ryan Shanahan and Sandra Villalobos Agudelo, "The Family and Recidivism," Prison Policy Initiative, October 2012, <https://www.prisonpolicy.org/scans/vera/the-family-and-recidivism.pdf>.