



Testimony for the House Judiciary Committee

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HB 36 Juvenile Proceedings – Fines, Fees, and Costs

SUPPORT

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The ACLU of Maryland supports HB 36, which would repeal certain provisions of law that authorize the juvenile court to impose fees, fines, and costs against a child who has committed certain violations, or against that child's parent, guardian, or custodian in a juvenile proceeding, or assessing against any party or parent of a certain child compensation for an attorney appointed to represent the child in a certain action.

HB 36 is an important step toward ensuring that juvenile justice policies actually support the successful rehabilitation of young people who have been involved with the juvenile justice system. The bill addresses financial barriers children in Maryland and their families face in the form of court fees, fines, and other costs, which can ensnare a young person within the system long after their case has been closed. Current law is counterintuitive toward the goal of rehabilitating young people and ending the cycle of recidivism, and this legislation proposes a smart approach to one such problem plaguing young people and their families.

When legal financial obligations are levied against a child, the whole family feels the impact. Fines, fees, and costs can begin to accrue from the time of arrest and continue to expand through the duration of a case, compounding long past its conclusion.¹ Under current law, young people and their families, particularly those coming from disadvantaged backgrounds, are often faced with the choice of paying legal fees or putting food on the table. Lasting legal financial obligations can follow a child even after their involvement with the juvenile system has ended, having a detrimental effect on rehabilitation and a healthy transition to adulthood.²

Legal fines, fees, and costs are a significant burden on Maryland families that already struggle to make ends meet, and add stress to tense financial situations.³ Inability to pay these costs is a marked contributor to existing economic and racial disparities at play in the juvenile justice system.⁴ This legislation begins to even the playing field between children in the juvenile justice system who come from families with wealth,

¹ *Principles of Effective Juvenile Justice Policy*, NATIONAL CONFERENCE OF STATE LEGISLATURES 23 (Jan. 2018), http://www.ncsl.org/Portals/1/Documents/cj/JJ_Principles_122017_31901.pdf.

² *Id.*

³ *Id.*

⁴ *Id.*

and children who do not.

The decision of the Supreme Court in *Timbs v. Indiana*,⁵ incorporated the Eighth Amendment's Excessive Fines Clause to the States under the Fourteenth Amendment's Due Process Clause, presciently highlights the significance of the issue at play here: "[f]or good reason, the protection against excessive fines has been a constant shield throughout Anglo-American history: Exorbitant tolls undermine other constitutional liberties."⁶ HB 36 fulfills that constitutional imperative by ensuring that the juvenile justice system does not impose undue financial burdens on Maryland children and their families.

For the foregoing reasons, the ACLU of Maryland supports HB 36.

⁵ No. 17-1091, slip op. at 1 (U.S. Feb. 20, 2019).

⁶ *Id.* at 6.

