



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Marc Elrich
County Executive

Raymond L. Crowel, Psy.D.
Director

January 14, 2020

HB36

Hon. Luke Clippinger
Chair, Judiciary Committee
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairman Clippinger,

The Montgomery County Commission on Juvenile Justice (MC CJJ) is writing in support of HB36 – Juvenile Proceedings – Fines, Fees, and Costs. The MC CJJ believes that (1) fines, fees and costs should not be imposed on juveniles, (2) fees should not be charged to youth for sealing or expungement, and (3) when a juvenile is required to undergo testing (e.g. DNA or mental health evaluations), the state or local jurisdiction should pay for the test.

A juvenile's inability to make payments should not result in youth being deprived of treatment, held in violation of probation, or extended periods of incarceration.

As the Juvenile Law Center states in its 2016 report, *Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System*:

Across the country, youth and their families, including many in poverty, face monetary charges for a young person's involvement in the juvenile justice system. Too often, the inability to pay pushes the young person deeper into the juvenile justice system and exacerbates the family's economic distress.

MC JCC believes that the inability to pay such fines, fees and costs should not subject youth involved in the juvenile justice system and families to possible incarceration, suspension of driver's licenses, an inability to expunge or seal records, among other consequences.

MC CJJ was established to advise the Montgomery County Executive, County Council and the Juvenile Court on matters concerning juvenile justice. Our work includes gathering and disseminating information from public and private agencies serving youth, monitoring the Juvenile Justice System, visiting facilities, and closely following State and County legislative proposals affecting juveniles. MC CJJ is comprised of citizen members who serve three-year terms without compensation, and agency members that includes Child Welfare, State's Attorney's Office, Office of the Public Defender, Montgomery County Police, Montgomery County Public schools, and Department of Juvenile Services.

Thank you for your consideration.

Sincerely,



Chris Jennison, Chair
Commission on Juvenile Justice

CC: Delegate Erik L. Baron
Delegate Shaneka Henson
Judiciary Committee



Montgomery County Commission on Juvenile Justice

Testimony in Support of House Bill 36 (2020)

Juvenile Proceedings - Fines, Fees, and Costs
Before the Judiciary Committee: January 16, 2019

In the past decade our state joined Alabama and Florida in increasing fines and fees for criminal offenses.¹ While the imposition of fines and fees is justified by the costs of running a court they are an ineffective means of collecting government revenue.² In light of this reality it is apparent that fines and fees criminalize the poor and thwart the goals of the justice system by inhibiting rehabilitation and increasing recidivism rates.³ This negative impact is magnified dramatically when fines and fees are imposed on juvenile offenders.

In Maryland, young people involved in the juvenile justice system can be faced with up to five types of fines and fees including costs of confinement, cost of counsel, court costs, fines, and restitution.⁴ The consequences of nonpayment can be severe, leading to civil judgement, family debt, prevented expungement, and placement, among other things.⁵ In addition to creating a barrier to rehabilitation and a life as a successful member of society, these fines and fees likely violate federal law and deprive Maryland's juvenile offenders of due process as explained by the Supreme Court of the United States in *In re Gault*.⁶

Understanding that juvenile offenders are distinctly different from their adult counterparts, Montgomery County has refused to impose fines and fees on juveniles in the past several years. The lack of fines and fees as had little, if any, impact on the County's revenue and

¹ *State-by-State Court Fees*, NPR (May 19, 2014), <https://www.npr.org/2014/05/19/312455680/state-by-state-court-fees>.

² *The Steep Costs of Criminal Justice Fees and Fines*, BRENNAN CENTER FOR JUSTICE (Nov. 21, 2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

³ *The Long-Term Costs of Fining Juvenile Offenders*, THE NEW YORKER (Dec. 24, 2016), <https://www.newyorker.com/business/currency/the-long-term-costs-of-fining-juvenile-offenders>. Oftentimes, juveniles will turn back to crime in order to create revenue for fines and fees payments.

⁴ See Maryland, *Debtors Prison for Kids*, JUVENILE LAW CENTER (last visited 1/8/2020), <https://debtorsprison.jlc.org/#!/map>.

⁵ *Id.*

⁶ 387 U.S. 1 (1967).

Montgomery County Commission on Juvenile Justice

the fiscal note for House Bill 36 predicts that the same will be true for the State. Additionally, the State's inconsistent procedure invites confusion and increases the likelihood that youth offenders will be penalized because they are unaware of a county's policy. Creating consistency in our laws over the entirety of the State's counties will benefit everyone involved in the juvenile justice system by standardizing expectations and, thereby, increasing compliance.

The Commission urges the Committee to give House Bill 36 a favorable report so that the State can continue to transform our juvenile system and increase the likelihood of meaning development for our juvenile offenders.