

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2073

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2073, as amended, would amend law regarding juvenile fines and fees assessed in actions brought pursuant to the Revised Kansas Juvenile Justice Code (Code).

Prohibition and Elimination of Fines and Fees (New Section 1)

The bill would prohibit all fines, fees, costs, court expenses, reimbursements, or other financial obligations (fines and fees) from being ordered, assessed, or sought against a juvenile or a juvenile's parent, guardian, or custodian in an action under the Code.

On and after July 1, 2023, any outstanding court-ordered fines and fees that were ordered, assessed, or sought against a juvenile or a juvenile's parent, guardian, or custodian to be assessed during an action under the Code would be discharged and not be collected. The bill would specify that the elimination of fines and fees pursuant to the bill would include those fines and fees that are currently being collected utilizing a contracting agent.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Types of Fines and Fees (Sections 2-11, 13, 18, 23, and 27)

The bill would amend statutes governing the following fines and fees to provide that no fee should be assessed to juveniles in any action under the Code for:

- Fingerprinting fees;
- County law library fees;
- House arrest supervision costs;
- Juvenile adjudication offender registration fees;
- Docket fees that are deposited in the Prosecuting Attorneys' Training Fund to fund the costs of non-judicial personnel;
- Forensic science fees;
- Expenses related to appointed attorney representation in proceedings under the Code;
- Docket fees or non-judicial personnel fees for a petitioner filing for expungement;
- Counseling or testing fees;
- Mental health evaluation and treatment and post-adjudication assessment tool costs;
- Appeals fees and expenses, including transcripts and records; and
- DNA database fees.

Juvenile Care and Custody (Sections 12, 14, 17, and 20)

The bill would provide that the expenses for the care and custody of a juvenile, including house arrest and evidence-based programs under the Code, would not be assessed to the juvenile's parent, guardian, or custodian if the juvenile is placed out of the home. The bill would remove the current requirement that a court complaint contain a request that the parents of a juvenile be ordered to pay child support if the juvenile is removed from the home. The bill would provide that the juvenile's parents would not be ordered to pay child support if the juvenile is removed from the home for competency evaluation and treatment under the Code.

Inability to Pay Fines and Fees / Sentencing Alternatives (Sections 15 and 19)

The bill would amend current law to provide that no juvenile would be placed in detention solely due to nonpayment of any fines, fees, court costs, or restitution. The bill would provide that no financial terms or conditions including fines, fees, cost, and child support would be assessed to a juvenile or the juvenile's parent, guardian, or custodian for participation in:

- Community-based programming;
- Out-of-home placements;
- House arrest programs;
- Drug or alcohol testing;
- Electronic monitoring; or
- Remote alcohol monitoring.

Technical Changes (Sections 21 and 24)

The bill would make technical changes to align statutory cross-references regarding reintegration plans, the restriction on non-foster home beds in youth residential facilities, and juvenile correctional facility placements.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of Justice Action Network.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on January 26, 2023, representatives of the American Civil Liberties Union of Kansas, Americans for Prosperity Kansas, Institute for Justice, Kansas Appleseed Center for Law and Justice, Justice Action Network, and Progeny Destination Innovation testified as **proponents** on the bill.

Representatives of Americans for Prosperity, Board of Indigent Services Legislative Committee, Juvenile Law Center, Kansas Action for Children, Kansas Advisory Group Executive Committee, The Gault Center, and a private citizen provided written-only proponent testimony.

No other testimony was provided.

The House Committee amended the bill to add language clarifying that the prohibition on fines and fees include those that are currently being sought by collection agencies. The House Committee also adopted an amendment to allow certain persons to have access to expunged case files regarding restitution collection.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, as introduced, the Office of Judicial Administration (OJA) estimates enactment of the bill would result in negligible effect on expenditures and revenues of the Judicial Branch and would decrease revenues to the State General Fund. OJA offered the total amounts of juvenile fees assessed from FY 2016 through FY 2021: FY 2016 - \$653,344; FY 2017 - \$621,625; FY 2018 - \$548,970; FY 2019 - \$550,925; FY 2020 - \$495,301, and FY 2021 - \$301,809.

The Kansas Sentencing Commission and Department of Corrections estimate enactment of the bill would not have a fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Revised Kansas Juvenile Justice Code; fines; fees; costs; court expenses; reimbursements; collections; assessments