

The Debt Free Justice for Youth Act

Legislative Summary

The Debt Free Justice for Youth Act creates and amends laws to remove fines, fees and costs that harm youth and their families in the criminal justice, municipal justice, and juvenile justice systems.

The justice system imposes fines and fees on youth from their first interaction with law enforcement to the final outcome of their case. These financial burdens are imposed on young children, youth entering early adulthood, and sometimes directly on their parents—with the burden often falling on whole families. Many families go into debt trying to pay. Others must choose between paying court debt or basic necessities like rent and groceries. Often, the money is simply not there to be collected—resulting in a system of punishment without a purpose.

When a young person or their family does not pay, they face serious consequences. They may be held in contempt of court and imprisoned, or put in out-of-home placement away from their family. Their case may remain open longer with additional court dates added to address non-payment, resulting in missed time at school or work and increased case processing costs. Youth may also face collections practices like liens, wage garnishment, or tax interception, further destabilizing them financially before they even enter adulthood.

This bill abolishes the harmful and counterproductive practice of imposing unaffordable fines and fees on youth and their families.

Summary of the Debt Free Justice for Youth Act

Section 1: Creates a new section, K.S.A. 12-4112b, to prohibit assessment of fees and costs for youth aged 25 or under in municipal court cases.

Section 2: Creates a new section, K.S.A. 12-4510a, to prohibit incarceration, house arrest, probation, or parole of youth aged 25 or under for nonpayment of municipal fines.

Section 3: Creates a new section, K.S.A. 22-4621, to prohibit assessment of criminal court fees and costs, including expungement fees, on youth aged 25 or under.

Section 4: Creates a new section, K.S.A. 22-4622, to prohibit incarceration or criminal punishment of youth aged 25 or under for nonpayment of criminal court fines.

Section 5: Creates a new section, K.S.A. 38-152, to prohibit assessment of fees and costs, including expungement fees, on children under 18 in municipal court.

Section 6: Creates a new section, K.S.A. 38-153, to prohibit incarceration, house arrest, probation, or parole of for nonpayment of municipal fines by children under 18.

Section 7: Creates a new section, K.S.A. 38-2302, to prohibit assessment of fines, fees, costs, and reimbursements in juvenile court cases on children, parents, guardians, and custodians.

Section 8: Prohibits driver's license revocation, restriction, or suspension for failure to pay fines, fees, and costs for youth aged 25 or under; eliminates driver's license reinstatement fees for aged 25 or under.

Section 9: Prohibits assessment of court costs and reinstatement fees for any youth aged 25 or under found guilty of driving a vehicle while the license of such person is suspended for violating K.S.A. 8-2110.

Section 10: Requires waiver of all driver's license reinstatement fees and traffic citation court costs for youth aged 25 or under; prohibits the Kansas Supreme Court from imposing additional fees on youth for driver's license reinstatement.

Section 11: Eliminates booking and processing fees imposed on children or parents in juvenile court cases.

Section 12: Eliminates law library fees imposed on children or parents in juvenile court cases.

Section 13: Eliminates offender registration fees for those required to register based on a juvenile delinquency adjudication or conviction of a youth aged 25 or under.

Section 14: Eliminates docket fees and process of service fees imposed on children or parents in juvenile court cases.

Section 15: Eliminates prosecuting attorneys' training fund fee imposed on children or parents in juvenile court cases.

Section 16: Eliminates docket fees and additional charges imposed on children or parents in juvenile court cases.

Section 17: Eliminates laboratory fees imposed on children or parents in juvenile court cases.

Section 18: Eliminates court-appointed attorney fees imposed on children or parents in juvenile court cases.

Section 19: Eliminates expungement fees imposed on children and youth seeking to clear juvenile court records; prohibits courts from delaying expungement for unpaid fines and fees.

Section 20: Eliminates court authority to order parents to reimburse the county or state for the cost of a child's confinement or out-of-home placement in a juvenile court case.

Section 21: Eliminates testing and counseling costs imposed on children in juvenile court cases.

Section 22: Eliminates requirement that each complaint in a delinquency proceeding include a request for parental reimbursement of costs of a child's confinement in an out-of-home placement.

Section 23: Prohibits assessment of fees or costs on children or parents for participating in an immediate intervention program; provides that a child shall not be denied access to an immediate intervention program due to unpaid fees or costs.

Section 24: Eliminates court authority to order parents to reimburse the government for the cost of an incompetent child's court-ordered evaluation and treatment in a juvenile court case.

Section 25: Eliminates requirement that parents and children pay expenses and fees for court-ordered mental, medical, and educational evaluations and reports, as well as other post-adjudication tools.

Section 26: Prohibits courts from imposing fines, costs, fees, or other financial obligations on children or parents as part of a sentence in a juvenile court case, with the exception of victim restitution; Prohibits detention or commitment of a child for nonpayment of a financial condition.

Section 27: Prohibits assessment of costs of court-ordered sanctions against a child's parent, including, such as house arrest, evidence-based programs, counseling, or parenting classes.

Section 28: Prohibits children and parents from being required to pay court-appointed attorney fees and expenses in juvenile court appeals.

Section 29: Eliminates DNA database fee imposed on children in juvenile court cases.

Section 30: Repeals K.S.A. 20-167, to eliminate supervision fees imposed on children or parents in juvenile court cases; Repeals K.S.A. 38-2314, to eliminate docket fees and expenses imposed on children or parents in juvenile court cases; Repeals K.S.A. 38-2319, to eliminate the requirement that parents pay for the cost of a child's confinement in a juvenile court case; Repeals K.S.A. 38-2324, to eliminate the requirement that parents pay the costs of court-ordered programs in which their child is required to participate, including probation, supervision, conditional release, and case management.

Section 31: Makes fines, fees, and costs previously assessed under provisions repealed by this Act unenforceable and uncollectable; vacates the portion of any judgement that imposed fines, fees, and court costs previously administered under provisions repealed by this Act.

Section 32: Vacates outstanding fines, fees, and costs balances; ongoing collections activity; outstanding warrants; unsatisfied civil judgments; and ongoing terms of incarceration for nonpayment of monetary obligations previously assessed or imposed against children, youth, and parents, if assessed or imposed pursuant to any provision of Kansas law modified by this Act.

Section 33: The Debt Free Justice for Youth Act takes effect after publication in the Kansas Register.