

## **HB1142 Points & Counterpoints**

The following is a guide to help with pushback or questions that may arise regarding our bill to eliminate the practice of charging youth fines and fees, outside of restitution, when they are in contact with the juvenile legal system.

### **Oppositional Point 1 – Accountability**

**“Youth who commit crimes need to be held accountable. Abolishing court fines and fees lets young people off the hook for crimes.”**

#### **Counterpoints:**

- Even without court fines and fees, youth remain accountable for the crimes they have committed. After a youth is found guilty, they are held accountable by a range of punishments including possible probation, incarceration, or a mandatory diversionary program.
- Court fines and fees cannot make youth accountable for their crimes because they are unable to pay. Indeed, most, if not all, jurisdictions that charge youth fines and fees across the country are hundreds of thousands of dollars in debt from unpaid court fines and fees. In Missouri, courts have assessed almost \$700K from 2019 to 2021 and have not even collected half of that.<sup>1</sup>
- When a court fine or fee gets paid, it’s often because a youth’s family can afford the expense, which means there is no accountability on the youth’s part. Indeed, youth from families who can afford to pay learn there is no meaningful consequence.

### **Oppositional Point 2 – Fines and Fees Are Not Harmful**

**“The consequences of receiving fines and fees are not harmful; in some cases they are helpful.”**

#### **Counterpoints:**

- Fines and fees have a harmful impact on youth and families. For youth, fines and fees jeopardize youths’ chances for success by driving them into debt before they enter adulthood, prevent them from expunging their records, and pose obstacles to education, employment, and self-sufficiency.
- When a family is charged court costs, it can create and/or exacerbate issues of resentment, and squeezes family resources that could have been used for food, rent, and utilities. Youth and families face difficult choices on whether to pay court costs or face evictions, utility shut-offs, foreclosures, and/or job loss.

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<sup>1</sup> This is pulled from data sent by the Missouri’s Office of Courts and Administration.

- Facing debt at such a young age, when they are already facing other legal consequences (ex. incarceration, restitution, and/or court supervision), contributes to significant stress that destroys their trust in the fairness of the system, which can negatively impact compliance.
- Missouri's penalties include wage garnishment,<sup>2</sup> cases remain open,<sup>3</sup> and youth and/or families can be held in contempt of court.<sup>4</sup>

### **Oppositional Point 3 – System Support**

**“These young people commit crimes, shouldn't they take on the costs of running the system?”**

#### **Counterpoints:**

- In theory, everyone should benefit from the juvenile legal system, so the costs of the system should be shared by everyone. And, the majority of court systems are supported by taxpayer money. Research in other states shows that the cost of collecting on court fines and fees is more expensive than what is collected. Thus, collection of court fines and fees offer don't support the operation of the system.
- The inequities of the system unfairly imposes costs on under-resourced and underprivileged populations. Studies of the disparities in the juvenile legal system reveal how it is unequal to certain groups. Black, Latino/a/e, and Indigenous youth are overrepresented, over punished, and overcharged fees in the juvenile court system. Such disparities exist in Missouri, where youth of color are overrepresented at every stage of the juvenile legal system. Black youth are disproportionately represented in juvenile court referrals, referrals leading to petitions filed, petitions resulting in adjudications, and adjudications leading to admission to detention facilities. A funding structure for counties and courts that is heavily reliant upon revenues from assessments of low-income families is unsustainable.

### **Oppositional Point 4 – Victims of Crime**

**“What about victims of crime?”**

#### **Counterpoints:**

- The bill does not affect restitution funds, so victims of crime will be repaid what they lost. This ensures that victims are restored to where they were before the crime occurred.
- Restorative justice is a practice that identifies the harm that a crime causes and seeks to repair that harm while holding the wrongdoer accountable. Victims who have participated in restorative justice programs

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<sup>2</sup> State income tax refund can be garnished. RSMo. § 488.020(3).

<sup>3</sup> Juvenile delinquency cases can remain open. RSMo. § 211.041.

<sup>4</sup> Youth and/or their families can be held in contempt of court. RSMo. § 488.020(4).

have reported being more satisfied with the process than crime victims who participated in the traditional system.<sup>5</sup> An analysis of 35 community restorative justice programs found that restorative justice program participants were 41.5% less likely to be rearrested than people who were prosecuted in the traditional legal system.<sup>6</sup> Missouri should be working towards a system that works, not imposing court costs.

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<sup>5</sup> Beckett and Kartman, “Violence, Mass Incarceration and Restorative Justice,” 2016, 7.

<sup>6</sup> Kyle Ernest, “Is Restorative Justice Effective in the U.S.? Evaluating Program Methods and Findings Using Meta-analysis” (PhD diss., Arizona State University, 2019), 101, <https://hdl.handle.net/2286/R.I.54883>.