

Senate Bill No.941

Removing Juvenile Administrative Fees Senator Holly J. Mitchell (D-Los Angeles)

ISSUE

National attention is focused on economic and racial discrimination in the criminal justice system. Low-income people of color are overrepresented in the criminal justice system. These inequities are compounded by state and local laws that impose additional financial burdens—criminal justice debt—on system-involved adults and youth.

California's juvenile justice system reflects these national trends. According to data reported by the Attorney General (Juvenile Justice in California, 2014), youth of color are grossly overrepresented in the state's juvenile justice system, where they are much more likely to be detained and to serve longer probation terms than white youth.

Because California allows counties to charge administrative fees related to youth detention and probation, higher rates of detention and longer probation terms translate into higher administrative fees imposed on low-income youth of color and their families. Imposing criminal justice debt on low-income youth and their families creates economic hardship and instability, which undermines the rehabilitative goals of the juvenile justice system.

SB 941 bill will repeal the assessment of administrative fees against families of youth who have been detained or placed on probation. At little or no cost to county budgets, it will end the financial harm to some of the state's most vulnerable families, supporting the reentry of youth back into their homes and communities and reducing the likelihood that the youth will recidivate.

BACKGROUND

State law permits counties to charge families with youth in the juvenile justice system for the costs of

detention and probation-related expenses. Counties determine the type and amount of these administrative fees, up to a state maximum. There is no state oversight of the fees collected by counties in administrative fees, but research conducted by the University of California, Berkeley, School of Law Policy Advocacy Clinic found that counties charge widely varied amounts for widely varied categories of fees related to investigation, supervision, detention, electronic monitoring, drug testing and even representation by a public defender.

At least 50 of the 58 California counties currently charge juvenile administrative fees. San Francisco County does not charge such fees on principle, believing they run counter to the rehabilitative purpose of the juvenile justice system. Los Angeles County imposed a moratorium on juvenile fees in 2009 after publicity about the high harm to families.

Under state law, counties that charge juvenile administrative fees are supposed to evaluate families' ability to pay based upon income, family size and other necessary obligations. There is no state oversight over county ability to pay determination processes, but research conducted through Public Records Act requests found that the protections intended by the statute are implemented haphazardly, varying widely across counties and failing to protect many low-income families.

Compared to their white counterparts, youth of color are referred to juvenile probation at disproportionate rates, detained more often and for longer periods of time, and sentenced to longer probation terms, which translate directly into fee assessments. As a result, families of color—families that are more likely to be living in poverty—bear a much higher fee burden than white families.

Unpaid juvenile administrative fees can total many thousands of dollars for some families and are subject to aggressive collection practices in many counties. By law, outstanding fees are owed as a civil judgment, and result in referrals to the Franchise Tax Board where parents' wages can be garnished and tax refunds can be intercepted.

The goal of the juvenile justice system is to promote rehabilitation and facilitate family reunification. Juvenile administrative fees do not serve this or any other stated purpose of the system (restitution is provided for separately under law). In fact, the fees do not even protect the fiscal integrity of counties because they are costly to assess and collect and most families cannot afford to pay them.

Last year, Governor Brown signed SB 504, which eliminated the record sealing fee for youth. This bill will end the harmful practice of assessing and collecting other administrative fees against youth and their families in the juvenile justice system. By reducing criminal justice debt imposed disproportionately on low-income families of color, this bill will foster youth rehabilitation and reentry into their families and communities.

THIS BILL

While still holding youth accountable to victims through the payment of restitution and other related fines, SB 941 will end the harmful assessment and collection of administrative fees against the families of youth in the juvenile justice system.

SUPPORT

Sponsors:

East Bay Community Law Center
Lawyers Committee on Civil Rights of SF Bay Area
Western Center on Law and Poverty
Youth Justice Coalition – Los Angeles

FOR MORE INFORMATION

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