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TESTIMONY 2013

S.B. 395

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of S.B. 395, an effective policy that will relieve the financial burden on youth convicted of fine-only offenses, while still holding them accountable where warranted.

THE IMPOSITION OF FINES ON TEXAS' CHILDREN

Any imposed fines and costs in a criminal case are the sole burden of the defendant. Even when defendants are children, the obligation to pay such costs and fines falls on them, not on their parents or legal guardians. These requirements impose an unfair financial burden on children who, by virtue of their age, are considered to be indigent. Furthermore, unlike indigent adult defendants, who are afforded the right to pay fines via community service, children are not provided the right to do so.¹

Texas lawmakers should make every effort to strike a balance between accountability and fairness for youth who receive criminal fines, including allowing for alternative methods of restitution (e.g., community service) or by allowing the dismissal of a case in warranted circumstances.

KEY FINDINGS

- Fines imposed on children for a misdemeanor do not fall on their parents or guardians. All costs associated with a child's conviction are his or her responsibility, despite the fact that he or she is indigent by virtue of age.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. 395 BY SENATOR WEST

- **S.B. 395 aims to strike a balance between accountability and fairness for youth charged with certain fine-only misdemeanors.** This bill will extend the procedures applicable to indigent adults convicted of a fine-only misdemeanor to children who are convicted of similar offenses. This includes allowing a judge to replace any cost or fine associated with a child's case with a term of community service. It also includes allowing a judge to waive a defendant's payment of fines due to childhood.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of S.B. 395. It is an effective policy that will improve the lives of thousands of families burdened by the fines and costs of misdemeanor convictions primarily obtained within schools, while still holding youth accountable where necessary. The Texas Criminal Justice Coalition strongly urges you to support this bill.

Citation

¹ Texas' Code of Criminal Procedure §42.15, §43.091, §45.041, and §45.0491.

