

## SB 817 A STAFF MEASURE SUMMARY

### Senate Committee On Judiciary and Ballot Measure 110 Implementation

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**Action Date:** 04/07/21

**Action:** Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

**Vote:** 4-3-0-0

**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski

**Nays:** 3 - Heard, Linthicum, Thatcher

**Fiscal:** Fiscal impact issued

**Revenue:** Revenue impact issued

**Prepared By:** Amie Fender-Sosa, Counsel

**Meeting Dates:** 3/16, 4/7

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#### WHAT THE MEASURE DOES:

Eliminates fees, fines, and court costs associated with juvenile delinquency matters. Prohibits related fees and costs from being assessed against the youth or against the youth's parent or guardian, so long as the youth was under the age of 18 at the time of the act or is subject to juvenile court probation and was not waived to circuit court for prosecution as an adult. States that if a young person is committed to the Oregon State Hospital, the person's ability to pay and cost of care will be determined under the ability to pay rules, and that services and treatment may be paid for by the youth and family through private insurance or other private means. Requires a person 18 years of age or older to pay court fees and fines related to underage possession of alcohol. Mandates that a youth offender, or the parent or guardian of the youth, is entitled to court-appointed counsel at no charge to the youth or the youth's parent or guardian. Requires the Public Defense Services Commission to adopt policies regarding the appointment of counsel at state expense, regardless of financial eligibility, for juvenile delinquency matters. Provides for no-cost access to transcripts and recordings of proceedings to not only the victim but also the child, ward, youth, youth offender or young person (or guardian of those persons). Allows the court to consider assessment of restitution, including establishing a payment schedule. Makes clear that fees, fines, and costs already paid to satisfy a lawful judgment or order entered before the operative date of the measure are not to be reimbursed. Makes related judgments entered prior to January 1, 2022, for fines, fees, costs or other monetary obligations null and void and considered satisfied. Takes effect on 91st day following adjournment sine die.

#### ISSUES DISCUSSED:

- Harmful effects of fines and fees on families, including increased system involvement and recidivism
- Disproportionate impact on low-income youth and youth of color
- Amount of revenue generated for governments by fees and fines
- Collection costs and difficulties collecting
- Senate Bill 422 (2021)

#### EFFECT OF AMENDMENT:

Makes clear that fees, fines, and costs already paid to satisfy a lawful judgment or order entered before the operative date of the measure are not to be reimbursed. Expands no-cost access to transcripts, recordings of proceedings to not only the victim but also the child, ward, youth, youth offender or young person (or guardian of those persons). States that if a young person is committed to the Oregon State Hospital, the person's ability to pay and cost of care will be determined under the ability to pay rules, and that services and treatment may be paid for by the youth and family through private insurance or other private means. Requires a person 18 years of age or older to pay court fees and fines related to underage possession of alcohol.

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### **BACKGROUND:**

Currently, Oregon law allows for youth offenders and their families to be assessed for costs throughout the juvenile court system process. Some examples of what youth offenders and their families may be charged for include: administrative costs of determining eligibility for legal and other services related to the provision of appointed counsel, a blood or buccal sample, mental health assessment or screenings, medical care, education services, supervision, and child support. Although not applied uniformly throughout the state, a youth offender and their family may be sanctioned for failing to pay court-related costs. Those sanctions may include extended supervision, late fees, collections, and tax liens.

Senate Bill 817 A would retroactively and proactively eliminate fees, fines, and court costs associated with juvenile delinquency matters and provide for court-appointed counsel at state expense for all juvenile delinquency matters.