

## Memorandum

To: The Southern Poverty Law Center  
From: Rianna Modi, Policy Advocacy Clinic  
Re: Fiscal Impact of SB 2544 in Mississippi  
Date: January 26, 2022

### Summary

Mississippi law authorizes county youth and chancery courts to charge administrative fees, fines, and court costs to juveniles and their parents or guardians, with consequences including incarceration and extended system involvement for failure to pay. Nationally, researchers have found that juvenile fees and fines undermine the financial security and emotional wellbeing of children and their families, disproportionately impact low-income families of color, prolong youth involvement in the system, and increase recidivism.<sup>1</sup> Furthermore, courts collect juvenile fees and fines at extremely low rates, making them unreliable and inadequate revenue sources.

Understanding the concurrent harm to youth and families and negligible revenue resulting from juvenile fees and fines, many Mississippi counties have already ceased assessing them. Senate Bill 2544, sponsored by Senator Juan Barnett and Representative Cedric Burnett, would revise the Mississippi Code to eliminate administrative fees, fines, and court costs in the juvenile justice system.<sup>2</sup> This memo summarizes key research about the fiscal implications of Senate Bill 2544, concluding that the shared fiscal benefits of administrative fee and fine repeal, outweigh the costs of maintaining this nominal revenue source.

### National Trends Concerning Juvenile Fees, Fines, and Court Costs

Ending juvenile fees and fines is not a partisan issue. Since 2015, 14 states—both majority Republican and majority Democratic—have enacted laws to reduce or eliminate fees and/or fines in juvenile courts, and 14 states are considering similar legislation in 2022.<sup>3</sup> Conservative organizations support repealing juvenile fees and fines, because they “**operate in part as a regressive tax on vulnerable communities**” and “**jurisdictions generate little to no net revenue from fees and fines, which they collect at low rates with high costs.**”<sup>4</sup>

Consistently, research shows that juvenile fees and fines are collected at strikingly low rates, and that collection efforts cost nearly as much or more than is generated in revenue:

- Louisiana jurisdictions spent up to \$1.15 for each dollar of fines and fees collected.<sup>5</sup>
- In Florida, the court clerk *goal* for collection of juvenile fees and fines is just 9%.<sup>6</sup>
- The Oregon Youth Authority spent \$866,000 to collect \$864,000 in juvenile fees.<sup>7</sup>
- Courts in the state of Colorado spent 75 cents for every dollar collected in juvenile fees.<sup>8</sup>

Because net revenue from juvenile fees and fines is low, **jurisdictions do not suffer financial hardships after these reforms.** After eliminating fees in 2018, the Orleans Parish Juvenile Court in Louisiana reported a negligible impact on the court’s bottom line, collecting just \$1,954 (.05%) less than in prior years.<sup>9</sup> After California discharged over \$350 million in outstanding juvenile fees, no county made program cuts or requested backfill funding to replace lost revenue.<sup>10</sup> Finally, the cost-

savings for families who are relieved of these regressive taxes have beneficial downstream economic effects for the jurisdictions in which they reside, such as reduced reliance on public assistance and increased spending power for goods and services.<sup>11</sup>

**Projected Fiscal Impact of SB 2544 in Mississippi**

To assess the fiscal impact of SB 2544 in Mississippi, we reviewed publicly available data, requested records from 43 county and chancery courts, and surveyed juvenile public defenders. Data in Mississippi is difficult to collect due to limits on disclosing Youth Court records, but our findings suggest that counties generate little or no revenue from juvenile fees and fines. Further, counties cannot afford the financial and administrative burden of pursuing uncollectable debt.

System stakeholders report that **youth courts in Mississippi are already moving away from the practice of assessing juvenile fees and fines**. One state official informed us that counties that assess juvenile fees and fines are exceptions to the norm, and that fees are assessed on an “infrequent basis.” Nonetheless, when juvenile fees and fines are assessed, they can devastate a family financially while providing negligible revenue to the county. Data on assessments, collections, and harm caused by juvenile fees and fines demonstrate that the costs associated with this practice outweigh any potential benefit.

**A. Low Assessment Rates**

Mississippi courts assess juvenile fees and fines infrequently. Juvenile public defenders from ten counties said their courts never assess fees or court costs to youth or their parents, and only one county assesses fines.<sup>12</sup> Five additional counties reported that their courts do not assess or collect any juvenile fees, fines, and costs.<sup>13</sup> And **statewide, only 5% of all juvenile dispositions in 2018 resulted in a fine**, and two-thirds of Mississippi counties (55/82) assessed no fines at all.<sup>14</sup> In fact, **83% of all fines assessed in 2018 were concentrated in just five counties**.<sup>15</sup>

**B. Low Collection Rates**

Courts appear to collect juvenile fees and fines at low rates, making them an inadequate and unreliable revenue source. Public defenders reported that county programs, offices, and juvenile services do not rely on revenue from fees or fines.<sup>16</sup> Even if each of Mississippi’s 407 juvenile fines in 2018 were assessed at the \$500 maximum amount and collected at rates observed elsewhere, gross revenue would be minimal:

Collection Rate of Juvenile Fee and Fines	Mississippi Collections at These Rates	Mississippi Gross Revenue
Bexar County, Texas: 5% <sup>17</sup>	20 out of 407 collected	\$10,000
Louisiana: 6% <sup>18</sup>	24 out of 407 collected	\$12,000
Florida: 14% <sup>19</sup>	57 out of 407 collected	\$28,500

At the highest rate of collection, the total statewide gross revenue would amount to less than \$30,000, or **an average of \$348 per county, before factoring in the cost of collections**.

**C. Increased Government Expenditures and the High Costs of Collections**

Collection costs in Mississippi are difficult to ascertain, especially as “costs of jailing, time spent by police and sheriffs on warrant enforcement or driver’s license suspensions, and probation and

parole resources devoted to fee and fine enforcement” often go unmeasured.<sup>20</sup> Nonetheless, nationwide research finds that the **costs of collections often far exceed the revenue**. As noted above, until Louisiana repealed juvenile fees last year, local jurisdictions spent up to \$1.15 to collect each dollar of assessed juvenile fees, costs, and taxes.<sup>21</sup> If Mississippi’s collections and costs approximate Louisiana’s, then **Mississippi would spend nearly \$14,000 to collect just \$12,000 in revenue**.

Finally, county representatives shared that responsibility for collections falls on court personnel whose primary responsibilities are to operate the juvenile justice system, not to act as collection agents for young people. Eliminating juvenile fees and fines would streamline these employees’ workload while having little or no impact on the county’s revenue stream.

In addition to the current costs for Mississippi counties, recent litigation trends expose counties to significant additional costs should they continue collecting juvenile fees and fines. User-funded court models have recently been found unconstitutional in the adult system,<sup>22</sup> and jurisdictions across the south have been subject to costly litigation on this issue.<sup>23</sup>

### Projected Fiscal Impact on Mississippi Families

Despite low assessment and collection rates of juvenile fees and fines, the harm to Mississippi families is substantial and reverberates beyond the household unit. While a court may know that it is unlikely to collect the full, or any, payment, families feel the financial burden and collateral consequences of the entire charge.

Mississippi public defenders have seen youth and their families liable for sums between \$500 and \$3,000 in juvenile fees, fines, and court costs (not including restitution).<sup>24</sup> According to the most recent Federal Reserve survey data “more than one-fourth of adults...were one \$400 financial setback away from being unable to [pay their bills].”<sup>25</sup> With nearly one in five Mississippi families living in poverty and a median rent price of \$780 statewide, a family charged with a \$500 fine or fee could lose their housing and access to other necessities.<sup>26</sup> Furthermore, juvenile fees and fines deprive Mississippi parents of the resources they need to pay for their child’s food, housing, education, and future.<sup>27</sup> A survey of nearly 1,000 families in Alabama found that for those with outstanding court debts, “more than 80% cut back on basic needs like rent, food, medical bills, car payments and child support just to pay down their debt.”<sup>28</sup>

In addition to financial burdens, **youth that are charged fees and fines experience a higher likelihood of recidivism and challenges in achieving stable employment, housing, and food security**.<sup>29</sup> Finally, an ongoing Wisconsin study determined that a \$200 increase in fees on misdemeanor defendants led to increased recidivism and a **net cost to society of \$2,241 per misdemeanor**. In other words, **if the 407 juvenile fines charged to youth and their families in 2018 were \$200 each, the net social cost to Mississippians would exceed \$912,000 (407 x \$2,241)**.<sup>30</sup>

### Conclusion: SB 2544 is Fiscal Common Sense for Mississippi

The costs of juvenile fees and fines – to the state, counties, taxpayers, and families – far outweigh any net revenue they generate. Because of the cost and harm of this practice, many Mississippi Youth Courts do not assess juvenile fees, fines, and court costs. SB 2544 will end this practice uniformly across Mississippi to the benefit of youth, families, and taxpayers.

## NOTES

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<sup>1</sup> See, e.g., Jessica Feierman et al., Juv. L. Ctr., *Debtors' Prison for Kids?: The High Cost of Fees, fines, and Restitution in the Juvenile Justice System* 23 (2016).

<sup>2</sup> Miss. Senate Bill 2544 (2022), <http://billstatus.ls.state.ms.us/2022/pdf/history/SB/SB2544.xml> (clarifying that youth and chancery courts will no longer be able to charge juveniles or their parents and guardians, including contempt fines for children, civil fines as disposition alternatives, juvenile work program fees and fines, alcohol and drug testing fees, electronic monitoring fees, counseling and parenting class fees, attorney's fees, general court costs, diversion fees, and other "necessary and appropriate" expenses; authorizing costs of medical and behavioral treatment against parents after insurance has been billed and the parent's ability to pay has been determined; and not touching restitution).

<sup>3</sup> State legislatures in California, Colorado, Louisiana, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Texas, Utah, Virginia, and Washington have reduced or eliminated one or more juvenile fees and fines; and local jurisdictions in Georgia, Hawaii, Kansas, Michigan, Pennsylvania, Tennessee, and Wisconsin have repealed one or more juvenile fees and fines. In addition to SB 2544 in Mississippi, bills to end juvenile fees and fines have been or will be introduced this year in Arkansas, Arizona, Delaware, Florida, Idaho, Illinois, Indiana, Michigan, Pennsylvania, South Carolina, and Tennessee; and bills to repeal additional juvenile fees and fines will be introduced in Utah, Virginia, and Washington.

<sup>4</sup> *Conservative, Center-Right, and Libertarian Organizations Support Ending Fees and Fines for Youth* (Sept. 2021) <https://www.law.berkeley.edu/wp-content/uploads/2021/11/2021.09.20-Conservative-Juvenile-Fees-and-Fines-Statement.pdf>.

<sup>5</sup> La. Comm'n on Just. Sys. Funding, *Recommendations of the Louisiana Commission on Justice System Funding to the Louisiana State Legislature in Response to House Concurrent Resolution No. 87, 2019 Leg., Reg. Sess.*, at 10-12 (2020).

<sup>6</sup> Fla. Clerks of Ct. Operations Corp., *Quarterly performance measure & action plans report section 28.35(2)(d) Florida statutes: 1st quarter county fiscal year 2016-2017* 6 (2017), [https://flccoc.org/wp-content/uploads/2018/01/PMAP-Q1-2017-Report\\_FINAL.pdf](https://flccoc.org/wp-content/uploads/2018/01/PMAP-Q1-2017-Report_FINAL.pdf).

<sup>7</sup> Or. Dep't of Just., Div. of Child Support, *Child Support Information Related to Oregon Youth Authority* 5 (2020), <https://berkeley.box.com/s/5mgugtq1ritzrvj86rylezbfm5yt9an>.

<sup>8</sup> Memorandum from Ann Roan, Colo. Juv. Def. Ctr., to Colo. State Sen. Pat Lee and Colo. State Rep. Leslie Herold (Feb. 18, 2020).

<sup>9</sup> Matt Sledge, *New Orleans Becomes First City in South to Axe Court Fees for Delinquent Youths*, nola.com (Aug. 19, 2018, 5:46PM) [https://www.nola.com/news/courts/article\\_b4589282-30f6-5deb-820f-90530666f22e.html](https://www.nola.com/news/courts/article_b4589282-30f6-5deb-820f-90530666f22e.html)

<sup>10</sup> See Debt Free Justice "Our Impact (2021).

<sup>11</sup> Debbie Mayer et al., *An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth* (unpublished manuscript) (on file with the University of California at Berkeley Policy Advocacy Clinic).

<sup>12</sup> We surveyed Mississippi public defenders at the State Public Defender Conference on October 28, 2021. We distributed the survey to public defenders who attended our presentation and received eleven responses. Redacted survey responses are on file with the author.

<sup>13</sup> We spoke with representatives from Adams, Jackson, Lamar, Pike, and Rankin County in 2020 and 2021, each of whom indicated that their courts do not assess, or receive revenue from, juvenile fees, fines or court costs.

<sup>14</sup> Miss. DYS Referral Data (2018).

<sup>15</sup> *Id.* DeSoto, Jones, Madison, Panola, and Washington counties assessed 339 out of 407 fines across the state.

<sup>16</sup> See n. 12, *supra*.

<sup>17</sup> Pub. Rec. Request Responses from Bexar County, Tex., sent to Pol'y Advocacy Clinic at Berkeley Law (July 17, 2018 (on file with author)).

<sup>18</sup> Pub. Rec. Request Responses from La. Off. of Juv. Jus., sent to Pol'y Advocacy Clinic at Berkeley Law (Sept. 2021) (on file with author)

<sup>19</sup> Fla. Clerks of Ct. Operations Corp., n. 6 *supra*.

<sup>20</sup> Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines*, Brennan Ctr. for Just. (Nov. 2019), [https://www.brennancenter.org/sites/default/files/2020-07/2019\\_10\\_Fees%26Fines\\_Final.pdf](https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_Final.pdf).

<sup>21</sup> See La. Comm'n on Just. Sys. Funding, n. 5 *supra*.

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<sup>22</sup> See *Caliste v. Cantrell*, 937 F.3d 525, 532 (5th Cir. 2019) and *Cain v. White*, 937 F.3d 446, 449 (5th Cir. 2019) (holding unconstitutional a scheme where fees and fines funded the parish's Judicial Expense Fund).

<sup>23</sup> See, e.g., *JP v. State of Mississippi* No. 2017-CA-00572-COA.

<sup>24</sup> See n. 12, *supra*.

<sup>25</sup> Bd. of Governors of the Fed. Reserve Sys., *Report on the Economic Well-Being of U.S. Households in 2020* (May 2021), <https://www.federalreserve.gov/publications/2021-economic-well-being-of-us-households-in-2020-executive-summary.htm>.

<sup>26</sup> *Id.*

<sup>27</sup> Cliff Johnson, *I Told Congress That Misdemeanor Fees and fines Cause Americans to Go Hungry*, Mississippi Free Press (Oct. 2021), <https://www.mississippifreepress.org/17163/i-told-congress-that-misdemeanor-fines-and-fees-cause-americans-to-go-hungry/>.

<sup>28</sup> *Id.* The survey additionally found that almost 40% of families committed a crime to pay off their debt, and 44% used predatory payday or title loans to pay off their debt.

<sup>29</sup> See, e.g., Alex R. Piquero & Wesley G. Jennings, Research Note, *Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 *YOUTH VIOLENCE & JUV. JUST.* 325, 333-34 (2017); *Debtors' Prison for Kids?*, n. 1 *supra*.

<sup>30</sup> Tyler Giles, *The (Non)Economics of Criminal Fees and fines* 5 (2021), [https://drive.google.com/file/d/1QLTCyf0jh1qaYbD2zo9CUKl3pZX\\_HEEK/view](https://drive.google.com/file/d/1QLTCyf0jh1qaYbD2zo9CUKl3pZX_HEEK/view).